

**Water Resources Department
Chapter 690
Division 190
EXEMPT GROUNDWATER USE RECORDING REQUIREMENTS**

690-190-0005 Purpose and Applicability

(1) These rules describe the requirements under which the Oregon Water Resources Department will administer and enforce the provisions of ORS 537.545 relating to the recording of exempt groundwater use. Moneys from fees collected and deposited to the credit of the Water Resources Department Water Right Operating Fund shall be used for the purpose of evaluating groundwater supplies, conducting groundwater studies, carrying out groundwater monitoring, processing groundwater data and the administration and enforcement of ORS 537.545 and these rules.

(2) These rules apply to:

(a) Any water supply well constructor or permitted landowner with a landowner permit and bond that constructs a well ~~owner of land on which a well is completed after July 22, 2009~~ to allow groundwater use for purposes that are exempt under ORS 537.545.

(b) Each new well that is completed or existing well that is converted to allow groundwater use for purposes that are exempt under ORS 537.545. This includes wells that are drilled to replace an existing well.

(3) These rules do not apply to:

(a) A well that is repaired, deepened, or altered.

(b) A water supply well that is permanently abandoned pursuant to OAR 690-220 within 30 days of well completion.

Statutory/Other Authority: ORS 536.027, 2021 OL Ch. 610

Statutes/Other Implemented: ORS 537.545, 2021 OL Ch. 610

History:

WRD 6-2009, f. & cert. ef. 11-23-09

690-190-0010 Definitions

(1) "Converting" has the same meaning as defined in ORS 537.515(3).

(2) "Department" means the Oregon Water Resources Department.

(3) "Director" means the Director of the Oregon Water Resources Department.

(4) "Recording " means the filing of a map locating any new or converted well that is completed to allow groundwater use for purposes that are exempt under ORS 537.545, and the fee, in the amount established under 537.545, for each new or converted well that is completed.

(5) "Landowner" means the owner of land at the time a well(s) subject to these rules is completed.

(6) "Well Completion" means the end of construction date reported on the water supply well report.

(7) "Well Identification Number" means the stamped well number on the stainless steel label that is attached to the well.

(8) "Water Supply Well Constructor" means any person who has a current water supply well constructor's license with a water supply well endorsement issued in accordance with ORS 537.747(3) or with a water supply well temporary authorization endorsement issued in accordance with ORS 537.747 (3), Section 1, Chapter 142, Oregon Laws 2019, and Section 1, Chapter 626, Oregon Laws 2019.

Statutory/Other Authority: ORS 536.027, 2021 OL Ch. 610, Section 1, Chapter 142, Oregon Laws 2019, and Section 1, Chapter 626, Oregon Laws 2019

Statutes/Other Implemented: ORS 537.545, 2021 OL Ch. 610, Section 1, Chapter 142, Oregon Laws 2019, and Section 1, Chapter 626, Oregon Laws 2019

History:

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690-190-0100 Recording Requirements

The person licensed under ORS 537.747 or permitted under ORS 537.753 (4) landowner that constructs a well to allow groundwater use for a purpose that is exempt under ORS 537.545 (1) shall submit the following to the Department, along with the well report required by ORS 537.765, no later than 30 days after well completion:

(1) A tax lot map showing the location of the completed well on the property, that includes:

(a) A map reference number (Township, Range and Section).

(b) Location of the completed well by the latitude and longitude as established by a global positioning system or with distances (north/south and east/west) indicated from an identified

property boundary, property corner or survey corner. Multiple wells may be shown on one tax lot map.

(c) Location of well(s) in relation to nearest driveway, access road and permanent structures.

(d) The direction of north marked on the map.

(e) Well Identification Number for each completed well.

(f) Street address of the completed well if available.

(2) A map submitted under a Department-approved electronic mapping program satisfies the requirements under section (1).

(3) An exempt groundwater use recording fee in the amount established under ORS 537.545.

Statutory/Other Authority: ORS 536.027, 2021 OL Ch. 610

Statutes/Other Implemented: ORS 537.545, 2021 OL Ch. 610

History:

WRD 6-2009, f. & cert. ef. 11-23-09

690-190-0200 Compliance and Enforcement

(1) If the Department determines that a water supply well constructor or permitted landowner has not met the requirements of these rules, the Department shall notify the water supply well constructor or permitted landowner of the specific nature of the requirements that have not been met.

(2) The Department shall, within ~~60~~120 days of receipt of the map and fee, notify the water supply well constructor or permitted landowner of the recording requirements that have not been met.

(3) Failure to meet the requirements of these rules may result in formal enforcement action(s). This action(s) may include:

(a) Establishing a specified time for bringing the water supply well constructor or permitted landowner into compliance,

(b) Assessment of a civil penalty following procedures outlined in OAR 690-225 rules for water supply well constructors and OAR 690-260 rules for permitted landowners. Violations under these rules are considered ~~as~~ Class III Minor violations for permitted landowners and Minor violations for water supply well constructors, or

(c) Any other action authorized by law.

Statutory/Other Authority: ORS 536.027 & 536.900, [2021 OL Ch. 610](#)

Statutes/Other Implemented: ORS 537.545, [2021 OL Ch. 610](#)

History:

WRD 6-2009, f. & cert. ef. 11-23-09