

## Exempt Use Wells

Groundwater is a shared public resource that is limited in supply. In order to manage the resources, under Oregon law, in general, you must obtain a water right permit before using water from any well. However, there are exceptions to this requirement called “exempt uses,” defined in Oregon Revised Statutes (ORS 537.545).

### Groundwater uses exempt from needing a water right include:

- Stock watering
- Lawn or noncommercial garden watering of not more than one-half acre in area
- Single or group domestic purposes not exceeding 15,000 gallons per day
- Single industrial or commercial purposes not exceeding 5,000 gallons per day
- Down-hole heat exchange uses
- Watering school grounds that are ten acres or less and located within a critical groundwater area
- Emergency firefighting

These uses are exempt from applying for a water right permit but must use water beneficially and without waste. Withdrawing groundwater under the exemption carries the same weight as a water right and does have a priority date. An exempt use is subject to the same privileges and restrictions as any water right permit or certificate and is subject to state water law.

## Exempt Use Well Recording Fee and Map

For all new exempt use wells constructed in the State of Oregon, a map showing the exact location of the well on the tax lot, and a one-time recording fee of \$300 must be submitted. The purpose of the recording fee and map is to provide support for staff to evaluate groundwater supplies, conduct groundwater studies, carry out groundwater monitoring, process groundwater data, and administer and enforce the program. Accurate location information and water-level data are critical for assessing groundwater resources, including identifying where new groundwater development can occur sustainably and where groundwater levels show decline, identifying areas where local geology or anticipated growth suggests the resource may soon begin to show signs of stress, and recommending groundwater management options.

This fee or map is not required for wells covered by an existing Oregon Water Right.

Starting January 1, 2022, the exempt use well recording fee and map will be submitted by the Oregon licensed well driller who constructs the new well or a landowner with a permit to construct their own well. Drillers or landowners with a permit to construct their own well will be responsible for paying the recording fee and submitting the map *at the time of well report submission*, which is within 30 days after the well is completed. Drillers will be able to pay the fee and submit the map using the same e-file system used for electronic well log submission.

For new non-exempt wells covered by an Oregon Water Right, drillers or landowners with a permit to construct their own well will need to provide the permit or transfer number associated with the water right. The information will then be reviewed by the Department in order to confirm the submitted water right information and verify that no fee is assessed.

The recording fee and map are not applicable when a well is repaired, deepened, altered, or permanently abandoned, in accordance with OAR 690-190-0005.

## Why has this policy changed?

House Bill 2145 (<https://go.usa.gov/xeDNZ>) was passed during the 2021 legislative and seeks to modernize many aspects of the Department's Well Construction Program. Policy changes will be implemented in phases as required by the new law over the next three years, with the first key changes going into effect January 1, 2022, including the shift in responsibility of submitting the exempt use well map and paying the recording fee from the landowner, to the well driller or landowner with a permit to construct their own well. Prior to this legislation, one staff member was dedicated to collecting the exempt use fee and map from landowners, who often have difficulties completing the map and express confusion about a fee after they have paid for the construction of the well.

Drillers navigate Department procedures more frequently than the public and will likely require less guidance to complete the exempt use well requirements. Department staff can shift focus away from following up with landowners to other duties that better serve well owners and drillers, including spotting and following up on construction deficiencies more timely. The Department will be focusing resources on conducting a technical review of well reports in order to have review of all wells for deficiencies and to notify well drillers soon after the well is drilled. Effective July 1, 2022, the Department will conduct technical review of 100% of well reports, which the Department has not had the resources to do, historically. In addition to investments from the legislature and an increase in the start card fee, a shift in the exempt use map and fee responsibility frees up existing staff to conduct and follow up on technical well report reviews.

## Submitting the Exempt Use Well Map

Drillers who are submitting a map electronically will do so at the time of well report submission and will be able to identify the well location using GPS points on an interactive map.

Landowners with a permit to construct their own well must submit a paper map at the time of well report submission (due within 30 days of completion of wells).

The Department is working to update our rules for paper maps submitted by drillers or landowners with a permit to construct their own well. Please see the Recording Fees for Exempt Use Wells FAQ, <https://go.usa.gov/xe2Jf>, for more details on what information your paper map should include.

## Refunds

If a recording fee was paid for well that is not subject to the fee, then the person that paid the fee may contact the department for a refund.

**If you have questions regarding the groundwater use recording fee and map submittal requirement, contact the Well Construction and Compliance Section at 971-287-8218 or consult the Recording Fees for Exempt Use Wells FAQ: <https://go.usa.gov/xe2Jf>.**

**If you have questions regarding the requirement to obtain a water right permit contact your local watermaster: <https://go.usa.gov/xMzgP>.**