



## Recording Fees for Exempt Use Wells

### Frequently Asked Questions

<p><b>What is an "exempt use" well?</b></p>	<p>Under Oregon law, "all water within the state from all sources of water supply belongs to the public." In general, you must obtain a water right permit before using water from any well. However, there are exceptions called "exempt uses," defined in Oregon Revised Statutes (ORS 537.545). 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. Exempt uses are subject to state water law. In fact, the Department has the authority to regulate, reduce, or stop groundwater withdrawals when they interfere with prior or "senior" water rights.</p>
<p><b>What are examples of "exempt uses"?</b></p>	<p>Oregon Revised Statute 537.545 describes those groundwater uses exempt from needing a water right. They include:</p> <ul style="list-style-type: none"> <li>• Stock watering</li> <li>• Lawn or noncommercial garden watering of not more than one-half acre in area</li> <li>• Single or group domestic purposes not exceeding 15,000 gallons per day</li> <li>• Single industrial or commercial purposes not exceeding 5000 gallons per day</li> <li>• Down-hole heat exchange uses</li> <li>• Watering school grounds that are ten acres or less and located within a critical groundwater area</li> </ul>
<p><b>What is the driller of a new exempt use well required to do?</b></p>	<p>The well driller or landowner with a permit to construct their own well is required to pay a one-time, \$300 groundwater use recording fee and provide a map showing the exact location of the well on the tax lot. The map and recording fee are required to be submitted at the same time as the well report. The location is valuable information to the Department and other individuals looking for information about groundwater in specific areas of the state.</p>
<p><b>What is the purpose of the recording fee requirement?</b></p>	<p>The purpose of the recording fee and map is to evaluate groundwater supplies, conduct groundwater studies, carry out groundwater monitoring, process groundwater data and administer and enforce the program.</p>
<p><b>What is the legal basis for this requirement?</b></p>	<p>Senate Bill 788 was passed by the 2009 Oregon Legislature (see Oregon Revised Statute 537.545). House Bill 2145 passed by the 2021 Oregon Legislature requires the well driller or landowner with a permit to construct their own well to pay this registration fee (see Oregon Revised Statute 537.545).</p>
<p><b>What if the well is dry or produces an insufficient amount of water?</b></p>	<p>The \$300 fee is still applicable. The fee is based on the hole drilled, not the amount of water produced. If the well is properly decommissioned, the Department will not charge the \$300 fee.</p>

<b>Do I have to pay the \$300 groundwater use recording fee and submit a separate map for every well I drill?</b>	A separate fee and map showing the exact location of the well on the tax lot are required for each well drilled. The map and recording fee must be submitted at the same time as the well report.
<b>Can the \$300 recording fee and map be sent at the same time as the start card?</b>	No. The start card is filed prior to starting the construction of the well. The \$300 groundwater use recording fee and exempt use map must be submitted at the same time as the well report.
<b>When do the map and fee need to be received by the Oregon Water Resources Department?</b>	According to ORS 537.545, the fee and map are due at the same time as the well report (within 30 days after the well is completed).
<b>How do I create an exempt use map?</b>	<p>For your convenience, when you E-File a well report on the Departments website there is a mapping tool that is a required component of submitting the well report. If you submit a paper well report, you must mark the well location on a tax lot map obtained from the county assessor's office and include the map with the well report submitted to the Department.</p> <p>Paper filed Exempt Use Map Requirements:</p> <ul style="list-style-type: none"> <li>(1) A tax lot map showing the location of the completed well, that includes: <ul style="list-style-type: none"> <li>(a) A map reference number (Township, Range and Section).</li> <li>(b) Location of the completed well with GPS coordinates or 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.</li> <li>(c) The direction of north marked on the map.</li> <li>(d) Well Identification Number for each completed well.</li> <li>(e) Street address of the completed well if available.</li> </ul> </li> </ul>
<b>What if I don't pay the fee or submit a map?</b>	Civil penalties may be assessed for failure to pay the groundwater use recording fee or for failure to submit a map showing the exact location of the well on the tax lot.
<b>What if there is a valid water right associated with the well?</b>	No additional fee or map is required for wells covered by an Oregon Water Right permit. You will, however, need to provide the permit or transfer number associated with the water right to validate your assertion.
<b>Who can I contact regarding this issue?</b>	<p>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.</p> <p>If you have questions regarding the requirement to obtain a water right permit contact your local watermaster.</p>