

Classification of Violations

Oregon Administrative Rule (OAR): 690-260-0040 (Classification of Violations)/Oregon Revised Statute (ORS):

<p>Class 1</p> <p>Violations of the terms or conditions of a permit, certificate or license issued under ORS 536 to 543; Violation of ORS 537.130 or 537.535; Violation of ORS 540.210, 320, 340, 435, 710, 720.</p>	<p>(537.130)</p> <p>Permit to appropriate water required; notification to owner of certain land.</p>	<p>(537.535)</p> <p>Unlawful use or appropriation of ground water, including well construction and operation.</p>	<p>(540.210)</p> <p>Distribution from ditch or reservoir. (540.320) Noncompliance with requirements; effect.</p>	<p>(540.720)</p> <p>Unauthorized use or waste of water; evidence of guilt of user.</p>	<p>(540.340)</p> <p>Reservoir and diversion dam; suitable outlet; effect of noncompliance.</p>	<p>(540.435)</p> <p>Installation of totalizing measuring device; annual water use report; hearing; effect of failure to comply with order.</p>	<p>(540.710)</p> <p>Interference with headgate, or use of water denied by watermaster or other authority; evidence of guilt.</p>
<p>Class 2</p> <p>Violation of ORS 540.310, 330, and 730.</p>	<p>(540.310)</p> <p>Ditches and canals; headgates; measuring devices; flumes along lines of ditches.</p>	<p>(540.730)</p> <p>Obstruction interfering with access to or use of works.</p>	<p>(540.330)</p> <p>Reservoirs; measuring devices; effect of noncompliance</p>				
<p>Class 3</p> <p>Violation of any rule or order of the Water Resources Commission that pertains to well maintenance and violation of ORS 540.440.</p>	<p>(540.440)</p> <p>Owner to clear weeds from ditch right of way.</p>						

Reasonable Time for Correction of Violation (690-260-0050)

	Major	Moderate	Minor
	Is when substantial harm to other water rights, minimum flows, instream water rights, the public health or safety, or other water-based resources is immediate or imminent.	Is when substantial harm is not immediate or imminent, but could occur if left uncorrected.	Is when no substantial harm is apparent.
Class 1 Violations of the terms or conditions of a permit, certificate or license issued under ORS 536 to 543; Violation of ORS 537.130 or 537.535; Violation of ORS 540.210, 320, 340, 435, 710, 720.	Same Day	5 days	Acceptable correction schedule in 5 days and compliance within limits of schedule
Class 2 Violation of ORS 540.310, 330, and 730.	2 days	10 days	Acceptable correction schedule in 10 days and compliance within limits of schedule
Class 3 Violation of any rule or order of the Water Resources Commission that pertains to well maintenance and violation of ORS 540.440.	10 days	Acceptable correction schedule in 10 days and compliances withing limits of schedule	Acceptable correction schedule in 30 days and compliance within limits of schedule

** Civil penalty shall not be assessed for a violation if the person or agency causing the violation, corrects the violation within the time given for correction in the notice of violation. Reasonable Time for Correction Guidelines Table.*



Schedule of Civil Penalties (690-260-0070)

	Major	Moderate	Minor
	Is when substantial harm to other water rights, minimum flows, instream water rights, the public health or safety, or other water-based resources is immediate or imminent.	Is when substantial harm is not immediate or imminent but could occur if left uncorrected.	Is when no substantial harm is apparent.
Class 1 Violations of the terms or conditions of a permit, certificate or license issued under ORS 536 to 543; Violation of ORS 537.130 or 537.535; Violation of ORS 540.210, 320, 340, 435, 710, 720.	\$1,000	\$500	\$200
Class 2 Violation of ORS 540.310, 330, and 730.	\$500	\$250	\$100
Class 3 Violation of any rule or order of the Water Resources Commission that pertains to well maintenance and violation of ORS 540.440.	\$250	\$125	\$50

Penalty Formula: $P = BP \times R$

The formula may include adjustments as described in OAR 690-260-0080.

Where P = Penalty in dollars.

BP = Base Penalty in dollars from matrix in section (1) of this rule

R = Repeat factor from numbers

Repeat factor from numbers

- 1st Violation, R = 1;
- 2nd similar violation, R = 2;
- 3rd similar violation, R = 3;
- 4th similar violation, R = 4;
- 5th similar violation, R = 5.