

House Bill 2859

Sponsored by Representative CLEM

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Reduces amount of ground water use for domestic purposes exempt from water right requirement. Applies to ground water use that commences on or after effective date of Act. Continues former exemption amount if new water use replaces ground water use commenced before effective date of Act.

A BILL FOR AN ACT

1
2 Relating to ground water use for domestic purposes; amending ORS 537.545.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 537.545 is amended to read:

5 537.545. (1) No registration, certificate of registration, application for a permit, permit, certifi-
6 cate of completion or ground water right certificate under ORS 537.505 to 537.795 and 537.992 is
7 required for the use of ground water for:

8 (a) Stockwatering purposes;

9 (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area;

10 (c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located
11 within a critical ground water area established pursuant to ORS 537.730 to 537.740;

12 (d)(A) Single or group domestic purposes in an amount not exceeding [*15,000*] **1,000** gallons a
13 day; **or**

14 **(B) Single or group domestic purposes in an amount not exceeding 15,000 gallons a day,**
15 **if any of the ground water use for domestic purposes commenced prior to the effective date**
16 **of this 2009 Act or if the use is in replacement of a ground water use for domestic purposes**
17 **that commenced in whole or in part prior to the effective date of this 2009 Act;**

18 (e) Down-hole heat exchange purposes;

19 (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day;

20 or

21 (g) Land application, so long as the ground water:

22 (A) Has first been appropriated and used under a permit or certificate issued under ORS 537.625
23 or 537.630 for a water right issued for industrial purposes or a water right authorizing use of water
24 for confined animal feeding purposes;

25 (B) Is reused for irrigation purposes and the period of irrigation is a period during which the
26 reused water has never been discharged to the waters of the state; and

27 (C) Is applied pursuant to a permit issued by the Department of Environmental Quality or the
28 State Department of Agriculture under either ORS 468B.050 to construct and operate a disposal
29 system or ORS 468B.215 to operate a confined animal feeding operation.

30 (2) The use of ground water for a use exempt under subsection (1) of this section, to the extent

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 that it is beneficial, constitutes a right to appropriate ground water equal to that established by a
2 ground water right certificate issued under ORS 537.700. Except for the use of water under sub-
3 section (1)(g) of this section, the Water Resources Commission by rule may require any person or
4 public agency using ground water for any such purpose to furnish information with regard to such
5 ground water and the use thereof. For a use of water described in subsection (1)(g) of this section,
6 the Department of Environmental Quality or the State Department of Agriculture shall provide to
7 the Water Resources Department a copy of the permit issued under ORS 468B.050 or 468B.215 au-
8 thorizing the land application of ground water for reuse. The permit shall provide the information
9 regarding the place of use of such water and the nature of the beneficial reuse.

10 (3) If it is necessary for the Water Resources Department to regulate the use or distribution of
11 ground water, including uses exempt under subsection (1) of this section, the department shall use
12 as a priority date for the exempt uses the date indicated in the log for the well filed with the de-
13 partment under ORS 537.765 or other documentation provided by the well owner showing when
14 water use began.

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