

House Bill 3321

Sponsored by Representative WHITSETT; Representatives ESQUIVEL, FREEMAN, KRIEGER, OLSON, RICHARDSON, SMITH, SPRENGER, THATCHER, WHISNANT, Senators BAERTSCHIGER JR, BOQUIST, KNOPP, KRUSE, WHITSETT

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**.

Prohibits Water Resources Department collection of periodic or recurring fee or charge pertaining to well allowing ground water use for single or group domestic purposes.

A BILL FOR AN ACT

1
2 Relating to wells allowing exempt ground water use; 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) Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;

13 (e) Down-hole heat exchange purposes;

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

15 or

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

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

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

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

25 (2) A ground water use for a purpose that is exempt under subsection (1) of this section, to the
26 extent that the use is beneficial, constitutes a right to appropriate ground water equal to that es-
27 tablished by a ground water right certificate issued under ORS 537.700.

28 (3) Except for the use of water under subsection (1)(g) of this section, the Water Resources
29 Commission by rule may require any person or public agency using ground water for any such
30 purpose to furnish information with regard to such ground water and the use thereof. For a use of

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 water described in subsection (1)(g) of this section, the Department of Environmental Quality or the
 2 State Department of Agriculture shall provide to the Water Resources Department a copy of the
 3 permit issued under ORS 468B.050 or 468B.215 authorizing the land application of ground water for
 4 reuse. The permit shall provide the information regarding the place of use of such water and the
 5 nature of the beneficial reuse.

6 (4) If it is necessary for the Water Resources Department to regulate the use or distribution of
 7 ground water, including uses for purposes that are exempt under subsection (1) of this section, the
 8 department shall use as a priority date for the exempt uses the date indicated in the log for the well
 9 filed with the department under ORS 537.765 or other documentation provided by the well owner
 10 showing when water use began.

11 (5) The owner of land on which a well is drilled to allow ground water use for a purpose that
 12 is exempt under subsection (1) of this section shall provide the Water Resources Department with
 13 a map showing the exact location of the well on the tax lot. The landowner shall provide a map
 14 required by this subsection to the department no later than 30 days after the well is completed. The
 15 map must be prepared in accordance with standards established by the department.

16 (6) The owner of land on which a well described in subsection (5) of this section is located shall
 17 file the exempt ground water use with the Water Resources Department for recording. The filing
 18 must be accompanied by the fee described in subsection (7) of this section. The filing must be re-
 19 ceived by the department no later than 30 days after the well is completed.

20 (7) The Water Resources Department shall collect a fee of \$300 for recording an exempt ground
 21 water use under subsection (6) of this section. Moneys from fees collected under this subsection
 22 shall be deposited to the credit of the Water Resources Department Water Right Operating Fund.
 23 Notwithstanding ORS 536.009, moneys deposited to the fund under this subsection shall be used for
 24 the purposes of evaluating ground water supplies, conducting ground water studies, carrying out
 25 ground water monitoring, processing ground water data and the administration and enforcement of
 26 this subsection and subsections (3), (5), (6) and (8) of this section.

27 (8) The Water Resources Commission shall adopt rules to implement, administer and enforce
 28 subsections (5) to (7) of this section.

29 **(9) The Water Resources Department may not collect any periodic or other recurring fee**
 30 **or charge pertaining to a well allowing ground water use for a purpose that is exempt under**
 31 **subsection (1)(d) of this section, including but not limited to any periodic or recurring fee**
 32 **or charge pertaining to the existence, ownership or operation of, or production from, the**
 33 **well. This subsection does not prohibit the collection of any fee or charge for providing a**
 34 **requested service.**