

House Bill 2145

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Water Resources Department)

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**.

Limits time for Water Resources Commission to enforce standards related to wells against well constructor.

Establishes Water Well Abandonment, Repair and Replacement Fund. Continuously appropriates moneys in fund to Water Resources Department for purpose of providing financial assistance to persons and certain institutions to carry out well abandonment, repair or replacement.

Creates additional qualification required for receipt of water well constructor's license. Creates exception for existing licensees.

Creates condition for renewal of water well constructor's license. Allows department to waive condition.

Changes requirements for submission of information to commission prior to commencing work on well. Requires commission rulemaking. Requires that submission of information after July 1, 2024, be in electronic form.

Changes composition of Well Constructors Continuing Education Committee. Changes fee provision for continuing education sponsored by department. Extends sunset for provisions regarding well constructor continuing education.

A BILL FOR AN ACT

1
2 Relating to the performance of work on wells; creating new provisions; and amending ORS 536.090,
3 536.750, 537.747, 537.753, 537.762, 537.765, 537.780, 537.789 and 537.791 and sections 2, 4 and 7,
4 chapter 496, Oregon Laws 2001.

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

6 **SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS 537.747**
7 **to 537.795.**

8 **SECTION 2. (1) Except as provided in subsections (2) and (3) of this section, the Water**
9 **Resources Commission may not commence the enforcement of a general or special standard**
10 **related to the construction, alteration, repair, abandonment or conversion of a well against**
11 **a well constructor licensed under ORS 537.747 later than:**

12 (a) **Three years after the date that the well constructor files the well log with the Water**
13 **Resources Department, if the department:**

14 (A) **Observed the placement of the seal;**

15 (B) **Reviews the log; and**

16 (C) **Enters a determination that the work was properly completed in the department re-**
17 **ords.**

18 (b) **Ten years after the date that the well constructor submits the well log to the com-**
19 **mission, if the department:**

20 (A) **Reviews the log; and**

21 (B) **Enters a determination that the work was properly completed in the department re-**
22 **ords.**

23 (c) **Except as otherwise provided in this subsection, 15 years after the date that the well**

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 constructor files the well log with the department.

2 (2) Subsection (1) of this section applies only to well construction, alteration, repair,
3 abandonment or conversion for which the well constructor timely submitted a start card and
4 paid any applicable fee as required by ORS 537.762.

5 (3) Notwithstanding subsection (1) of this section, if the commission finds that a well log
6 contains a material misrepresentation or misstatement of fact regarding the construction,
7 alteration, repair, abandonment or conversion of a well, or that a well constructor has en-
8 gaged in negligent or fraudulent conduct regarding the construction, alteration, repair,
9 abandonment or conversion of a well, the commission may enforce general or special stan-
10 dards related to the misrepresentation, misstatement or conduct that were in effect on the
11 date that the work was completed as represented on the log.

12 **SECTION 3.** The Water Well Abandonment, Repair and Replacement Fund is established
13 in the State Treasury, separate and distinct from the General Fund. Interest earned by the
14 Water Well Abandonment, Repair and Replacement Fund shall be credited to the fund.
15 Moneys in the fund are continuously appropriated to the Water Resources Department for
16 the purpose of carrying out the program purposes described in section 4 of this 2021 Act. The
17 fund shall consist of any moneys designated for deposit in the fund or for carrying out the
18 program purposes, including but not limited to appropriations or other provisions of moneys
19 by the Legislative Assembly and public or private moneys from gifts, grants or donations.

20 **SECTION 4.** (1) As used in this section, “repair” may include, but is not limited to, a well
21 deepening.

22 (2) Moneys in the Water Well Abandonment, Repair and Replacement Fund may be dis-
23 bursed as checks issued under authority of the Water Resources Director for the purposes
24 described in this section. The Water Resources Department may issue checks from the fund
25 to provide financial assistance:

26 (a) To persons for the permanent abandonment, substantial repair or replacement of a
27 water well;

28 (b) To nonprofit, governmental or other institutions that meet qualifications established
29 by Water Resources Commission rules, for programs to permanently abandon, substantially
30 repair or replace water wells;

31 (c) As cost-sharing with federal or private programs to permanently abandon, substan-
32 tially repair or replace water wells; or

33 (d) To pay the cost of direct services of a well constructor licensed under ORS 537.747
34 to perform the work needed for abandoning, substantially repairing or replacing water wells
35 that are eligible under this section.

36 (3) Financial assistance provided under subsection (2) of this section may not exceed:

37 (a) 75 percent of the cost to permanently abandon a water well;

38 (b) 50 percent of the cost to substantially repair or to replace a water well used for
39 household purposes; or

40 (c) 50 percent of the cost of developing a program to permanently abandon, substantially
41 repair or replace water wells, when paid to an institution described in subsection (2)(b) of
42 this section.

43 (4) Expenditures from the fund are subject to the following purposes:

44 (a) The permanent abandonment, substantial repair or replacement of wells in which
45 deficiencies in the well construction might:

1 (A) Result in waste, loss of artesian pressure or ground water declines;

2 (B) Serve as a conduit for contamination; or

3 (C) Otherwise be a detriment to public health or safety.

4 (b) The substantial repair or replacement of water wells used for household purposes by
5 persons of lower or moderate income.

6 (c) The replacement of water wells used for household purposes in areas of declining
7 ground water where other sources of water for household purposes are not feasible.

8 (d) The abandonment, repair or replacement of water wells consistent with water re-
9 sources management purposes specified by rule by the commission.

10 (5) If the department provides funding to an institution under subsection (2)(b) of this
11 section, the department shall require that the institution:

12 (a) Use accounting, auditing and fiscal procedures that conform with generally accepted
13 government accounting standards;

14 (b) Give preference to persons of lower or moderate income and to small businesses that
15 do not qualify for other financing;

16 (c) Demonstrate past success in offering, underwriting, servicing and managing loans or
17 grants to:

18 (A) Persons of lower or moderate income; or

19 (B) Persons representing a wide range of qualifications for credit; and

20 (d) Have a plan for engaging other stakeholders in outreach and marketing efforts for a
21 loan or grant program.

22 (6) The department may enter into contracts, intergovernmental agreements or other
23 arrangements with public or private entities for any purposes consistent with this section.

24 (7) The commission may adopt rules to implement this section.

25 **SECTION 5.** ORS 536.090 is amended to read:

26 536.090. (1) In carrying out the duties, functions and powers prescribed by law, the Water Re-
27 sources Commission shall appoint a ground water advisory committee to:

28 (a) Advise the commission on all matters relating to:

29 (A) Rules for the development, securing, use and protection of ground water; and

30 (B) Licensing of well constructors, including the examination of such persons for license.

31 (b) Review the proposed expenditure of all revenues generated under ORS 537.762 [(5)] (9). At
32 least once each year, and before the expenditure of such funds on new program activities, the Water
33 Resources Department and the ground water advisory committee shall develop jointly a proposed
34 expenditure plan for concurrence by the Water Resources Commission. The plan may be modified,
35 if necessary, upon the joint recommendation of the department and the ground water advisory
36 committee with concurrence by the commission.

37 (2) The committee shall consist of nine members who represent a range of interests or expertise.
38 At least three of the members shall be individuals actively engaged in some aspect of the water
39 supply or monitoring well drilling industry. Members shall serve for such terms as the commission
40 may specify. The committee shall meet at least once every three months and at other times and
41 places as the commission may specify.

42 (3) A member of the committee shall not receive compensation, but at the discretion of the
43 commission may be reimbursed for travel expenses incurred, subject to ORS 292.495.

44 **SECTION 6.** ORS 536.750 is amended to read:

45 536.750. (1) Notwithstanding any provision of ORS chapters 536 to 543A, after a declaration that

1 a severe, continuing drought exists, the Water Resources Commission may:

2 (a) Issue without first conducting a hearing under ORS 537.170, a temporary permit for an
3 emergency use of water;

4 (b) Allow a temporary change in use, place of use or point of diversion of water without com-
5 plying with the notice and waiting requirements under ORS 540.520;

6 (c) Notwithstanding the priority of water rights, grant preference of use to rights for human
7 consumption or stock watering use;

8 (d) Waive the notice requirements under ORS 537.753 and the *[report]* **start card** required under
9 ORS 537.762;

10 (e) Allow a temporary exchange of water without giving notice as required under ORS 540.535;
11 and

12 (f) Utilize an expedited notice and waiting requirement established by rule for the substitution
13 of a supplemental ground water right for a primary water right under drought conditions in place
14 of the notice and waiting requirement provided in ORS 540.524.

15 (2) The commission by rule may establish procedures for carrying out the provisions of this
16 section and a schedule of fees that must accompany a request under subsection (1) of this section.

17 **SECTION 7.** ORS 537.747 is amended to read:

18 537.747. (1) No person shall advertise services to construct, alter, abandon or convert wells, of-
19 fer to enter or enter into a contract with another person or public agency to construct, alter,
20 abandon or convert a well for such other person, cause any well construction, alteration, abandon-
21 ment or conversion to be performed under such a contract or operate well drilling machinery with-
22 out possessing a water well constructor's license therefor in good standing issued by the Water
23 Resources Department. The department shall adopt a single water well constructor's license that
24 may specify the type of well, type of well alteration or construction or type of well drilling machine
25 operation for which the water well constructor is qualified.

26 (2) Notwithstanding subsection (1) of this section, a person may operate a well drilling machine
27 without a water well constructor's license if supervised by one who possesses such a license.

28 (3) A person shall be qualified to receive a water well constructor's license if the person:

29 (a) Is at least 18 years of age.

30 (b) Has passed a written examination conducted by the department to determine fitness to op-
31 erate as a water well constructor.

32 (c) Has paid a license fee and an examination fee according to the fee schedule set forth under
33 subsection (6) of this section.

34 (d) Has one year or more experience in the operation of well drilling machinery.

35 (e) **Provides evidence satisfactory to the department that the person possesses welding**
36 **skill sufficient to perform water well constructor work.**

37 (4) Upon fulfillment of all the requirements set out in subsection (3) of this section, the depart-
38 ment shall issue the applicant a water well constructor's license in a form prescribed by the de-
39 partment. The license may be issued for a period of two years.

40 (5) A water well constructor's license shall expire on June 30 or on such date as may be speci-
41 fied by department rule. A person may renew a license by submitting an application and the appro-
42 priate fees any time before the license expires but not later than one year after the license expires.
43 A person who renews a license within the 12 months after the license expires may either pay a
44 penalty fee set forth under subsection (6)(d) of this section or requalify for a water well
45 constructor's license in accordance with subsection (3) of this section. If a person fails to renew a

1 license within 12 months after expiration, the person must comply with the requirements of sub-
 2 section (3) of this section for a new water well constructor's license.

3 (6) The department shall collect in advance the following fees:

4 (a) An examination fee of \$20.

5 (b) A license fee of \$150.

6 (c) A renewal fee of \$150, **if the license is renewed on or before the expiration date.**

7 (d) Unless a person requalifies for a water well constructor's license in accordance with sub-
 8 section (3) of this section, a water well constructor shall pay a renewal fee of \$250 if *[the]* **an ex-**
 9 **pired** license is renewed *[within]* **on or before** 12 months after **the expiration date.**

10 (e) If a person requalifies for a water well constructor's license under subsection (3) of this
 11 section, the person shall pay the renewal fee established under paragraph (c) of this subsection.

12 (7) The department may revoke, suspend or refuse to renew any water well constructor's license
 13 when it appears to the satisfaction of the department, after notice and opportunity to be heard by
 14 the licensee, that the licensee has failed to comply with the provisions of ORS 537.505 to 537.795
 15 and 537.992 applicable to such licensee or any order or rule adopted thereunder applicable to such
 16 licensee, or has made a **material misrepresentation or** material misstatement of fact on an appli-
 17 cation for a license or well log or established a pattern of conduct that willfully or negligently vi-
 18 olates any provision of ORS 537.505 to 537.795 and 537.992, or any rule adopted pursuant thereto,
 19 applicable to such licensee.

20 (8) The *[provisions of]* **requirement in** subsection (3)(d) of this section *[requiring one year or*
 21 *more experience in the operation of well drilling machinery do]* **does** not apply to any person who,
 22 on July 1, 1981, holds the license required by this section and who continues thereafter to maintain
 23 the license in good standing.

24 **(9) The requirement in subsection (3)(e) of this section does not apply to any person who,**
 25 **on July 1, 2023, holds the license required by this section and who continues thereafter to**
 26 **maintain the license in good standing.**

27 **(10)(a) Except as provided in paragraph (b) of this subsection, a licensee may renew a li-**
 28 **cence only if the licensee places annular seals on two or more wells in the presence of the**
 29 **department during the two years prior to the license expiration date.**

30 **(b) The department may waive the condition established in paragraph (a) of this sub-**
 31 **section. The department may establish an alternate schedule based on department well in-**
 32 **spection resources or a licensee's demonstrated ability to maintain a license in good**
 33 **standing.**

34 **(11) If the department observes a welding deficiency on a well, the department may order**
 35 **the licensee who welded the well to:**

36 **(a) Provide evidence satisfactory to the department that the licensee possesses welding**
 37 **skill sufficient to perform water well constructor work; or**

38 **(b) Receive welding training.**

39 *[(9)]* **(12) The fees collected under subsection (6) of this section shall be paid into the Water**
 40 **Resources Department Water Right Operating Fund. Such moneys are continuously appropriated to**
 41 **the Water Resources Department to pay the department's expenses in administering and enforcing**
 42 **the water well constructor's licensing program.**

43 **SECTION 8.** ORS 537.753 is amended to read:

44 537.753. (1) Any person who contracts or offers services to contract to construct, alter, abandon
 45 or convert wells shall have in effect a surety bond or an irrevocable letter of credit issued by an

1 insured institution, as defined in ORS 706.008, running to the State of Oregon in the sum of \$20,000,
 2 ensuring that in the construction, alteration, abandonment or conversion of wells, the principal shall
 3 comply with all the provisions of ORS 537.505 to 537.795 and 537.992 that are applicable to such
 4 construction, alteration, abandonment or conversion and to the rules and standards of well con-
 5 struction, alteration, abandonment and conversion that have been prescribed by the Water Re-
 6 sources Commission. The bond or letter of credit shall be filed with the Water Resources
 7 Commission.

8 (2) The Water Resources Commission or any person injured by failure of a water well
 9 constructor to comply with the provisions of the bond or letter of credit has a right of action on the
 10 bond or letter of credit in the name of the injured person. However, the aggregate liability of the
 11 surety or letter of credit issuer to all such persons may not exceed the sum of the bond or letter
 12 of credit.

13 (3) A proceeding against the bond or letter of credit under subsection (2) of this section may
 14 not be commenced unless the commission notifies the water well constructor of the alleged violation
 15 within three years after the date the water well report is filed with the commission.

16 (4) If a well is to be constructed, altered, abandoned or converted by a person that is not li-
 17 censed under ORS 537.747 on property owned by that person, the person shall obtain a permit from
 18 the commission before beginning work. Application for the permit shall be in the form prescribed
 19 by the commission and must be accompanied by a fee of \$500. At the time [*the permit is obtained,*]
 20 **of filing the permit**, the applicant also shall [*file with*] **submit to** the commission a bond or an
 21 irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 running to the
 22 State of Oregon in the sum of \$10,000, ensuring that in the construction, alteration, abandonment
 23 or conversion of the well the landowner shall comply with all the provisions of ORS 537.505 to
 24 537.795 and 537.992 that are applicable to the construction, alteration, abandonment or conversion
 25 of wells and to the rules and standards of well construction, alteration, abandonment and conversion
 26 that have been prescribed by the commission. Before the person who constructs, alters, abandons
 27 or converts a well referred to in this subsection seals the well, the person must give 10 days' written
 28 notice [*of the construction, alteration, abandonment or conversion to the commission*] **to the Water**
 29 **Resources Department so department personnel can be present to observe the work.** After
 30 expiration of the notice period, the well may be sealed even if the [*commission*] **department** has not
 31 caused the well to be inspected.

32 **SECTION 9.** ORS 537.762 is amended to read:

33 537.762. (1) **As used in this section, "start card" means a form containing all information**
 34 **required by the Water Resources Department as a notification that a well constructor will**
 35 **commence work on a well.**

36 [(1)] (2) Each person required to possess a license under ORS 537.747 who has entered into a
 37 contract to construct, alter, abandon or convert a well or cause a well to be constructed, altered,
 38 abandoned or converted shall, **not earlier than 60 days and not later than 72 hours** before be-
 39 ginning work on the well, [*make a report*] **submit a start card** to the Water Resources Commission
 40 containing:

41 (a) The name, **telephone number, electronic mail address** and post-office address of the owner
 42 of the well.

43 (b) The approximate location of the well **by county tax lot number, township, range, section**
 44 **and nearest quarter-quarter section.**

45 (c) **The latitude and longitude of the well as established by a global positioning system**

1 **location.**

2 [(c)] **(d)** The proposed depth and diameter of the well.

3 [(d)] **(e)** The proposed purpose or use of the ground water from the well.

4 **(f) The time frame proposed for beginning and completing the construction, alteration,**
 5 **abandonment or conversion.**

6 **(g) Any other information required by the commission.**

7 [(2) *The commission shall furnish a convenient means for submitting the reports referred to in*
 8 *subsection (1) of this section to each person who possesses a license under ORS 537.747.*]

9 **(3) The commission shall furnish a convenient means for persons licensed under ORS**
 10 **537.747 to submit start card information under this section.**

11 [(3)] **(4)** A separate [*report shall be furnished under subsection (1) of this section*] **start card is**
 12 **required** for each well that is constructed, altered, abandoned or converted.

13 [(4)] **(5)** [*The report furnished under subsection (1) of*] **A start card submitted under** this section
 14 shall be confidential and maintained as such for one year or until the well log required under ORS
 15 537.765 is received by the commission, whichever is earlier. Nothing in this subsection prohibits the
 16 commission from using [*the report*] **a start card** for enforcement actions during the period the [*re-*
 17 *port*] **start card** is [*considered*] confidential.

18 **(6) On the date that work on the well commences, the person possessing a license under**
 19 **ORS 537.747 shall, before commencing work, notify the department that the work is about**
 20 **to commence. The person shall provide the department with an estimated date of annular**
 21 **seal placement and notify the department if the proposed date of seal placement changes.**

22 **(7) The commission shall adopt rules establishing accuracy requirements for time frames**
 23 **submitted under subsections (2) and (6) of this section. The rules shall include, but not be**
 24 **limited to, requirements for the modification of a previously submitted proposed time frame.**
 25 **The commission may adopt rules establishing precision requirements and standards for**
 26 **global positioning system equipment used to obtain information submitted under subsection**
 27 **(2) of this section.**

28 **(8) Unless the person submitting a start card under this section has requested and re-**
 29 **ceived an extension, a start card expires if construction, alteration, abandonment or con-**
 30 **version of a well does not begin on or before 60 days after submission of the start card. If**
 31 **a start card expires, a new start card and fee must be submitted in compliance with this**
 32 **section before construction, alteration, abandonment or conversion of the well may occur.**

33 [(5)] **(9)** Each [*report form*] **start card** submitted under [*subsection (1) of*] this section for the
 34 construction of a new well, deepening of an existing well, or conversion of a well shall be accom-
 35 panied by a fee of \$225. [*Notwithstanding the fee established pursuant to this subsection, the commis-*
 36 *sion may adopt by rule a reduced fee for persons submitting materials to the Water Resources*
 37 *Department in a digital format approved by the department.*]

38 [(6)] **(10)** The moneys paid to the commission under subsection [(5)] **(9)** of this section shall be
 39 paid into the Water Resources Department Operating Fund. All interest, if any, from moneys re-
 40 ceived under subsection [(5)] **(9)** of this section shall inure to the benefit of the Water Resources
 41 Department. Such moneys and interest earned on such moneys are continuously appropriated to the
 42 department to be used to pay the costs of the department to employ personnel to inspect wells and
 43 well construction.

44 **SECTION 10.** ORS 537.762, as amended by section 9 of this 2021 Act, is amended to read:

45 537.762. (1) As used in this section, “start card” means a form containing all information re-

1 quired by the Water Resources Department as a notification that a well constructor will commence
2 work on a well.

3 (2) Each person required to possess a license under ORS 537.747 who has entered into a contract
4 to construct, alter, abandon or convert a well or cause a well to be constructed, altered, abandoned
5 or converted shall, not earlier than 60 days and not later than 72 hours before beginning work on
6 the well, submit a start card to the Water Resources Commission containing:

7 (a) The name, telephone number, electronic mail address and post-office address of the owner
8 of the well.

9 (b) The approximate location of the well by county tax lot number, township, range, section and
10 nearest quarter-quarter section.

11 (c) The latitude and longitude of the well as established by a global positioning system location.

12 (d) The proposed depth and diameter of the well.

13 (e) The proposed purpose or use of the ground water from the well.

14 (f) The time frame proposed for beginning and completing the construction, alteration, aban-
15 donment or conversion.

16 (g) Any other information required by the commission.

17 (3) The commission shall furnish a convenient means for persons licensed under ORS 537.747 to
18 submit start card information under this section.

19 (4) A separate start card is required for each well that is constructed, altered, abandoned or
20 converted.

21 (5) A start card submitted under this section shall be confidential and maintained as such for
22 one year or until the well log required under ORS 537.765 is received by the commission, whichever
23 is earlier. Nothing in this subsection prohibits the commission from using a start card for enforce-
24 ment actions during the period the start card is confidential.

25 (6) On the date that work on the well commences, the person possessing a license under ORS
26 537.747 shall, before commencing work, notify the department that the work is about to commence.
27 The person shall provide the department with an estimated date of annular seal placement and no-
28 tify the department if the proposed date of seal placement changes.

29 (7) The commission shall adopt rules establishing accuracy requirements for time frames sub-
30 mitted under subsections (2) and (6) of this section. The rules shall include, but not be limited to,
31 requirements for the modification of a previously submitted proposed time frame. The commission
32 may adopt rules establishing precision requirements and standards for global positioning system
33 equipment used to obtain information submitted under subsection (2) of this section.

34 (8) Unless the person submitting a start card under this section has requested and received an
35 extension, a start card expires if construction, alteration, abandonment or conversion of a well does
36 not begin on or before 60 days after submission of the start card. If a start card expires, a new start
37 card and fee must be submitted in compliance with this section before construction, alteration,
38 abandonment or conversion of the well may occur.

39 (9) Each start card submitted under this section for the construction of a new well, deepening
40 of an existing well, or conversion of a well shall be accompanied by a fee of \$225. **A start card**
41 **shall be submitted to the commission by electronic means, unless the commission authorizes**
42 **a different means of submission.**

43 (10) The moneys paid to the commission under subsection (9) of this section shall be paid into
44 the Water Resources Department Operating Fund. All interest, if any, from moneys received under
45 subsection (9) of this section shall inure to the benefit of the Water Resources Department. Such

1 moneys and interest earned on such moneys are continuously appropriated to the department to be
 2 used to pay the costs of the department to employ personnel to inspect wells and well construction.

3 **SECTION 11.** ORS 537.765 is amended to read:

4 537.765. (1) The business or activity of constructing new wells or altering, abandoning or con-
 5 verting existing wells is declared to be a business or activity affecting the public welfare, health and
 6 safety. In order to enable the state to protect the welfare, health and safety of its [*citizens,*] **resi-**
 7 **dents,** any person licensed under ORS 537.747, or any person [*or public agency*] constructing, alter-
 8 ing, abandoning or converting a well, shall keep a log of each well constructed, altered, abandoned
 9 or converted and shall [*furnish*] **file** a certified copy of the log [*to*] **with** the Water Resources
 10 [*Commission*] **Department** within 30 days after the completion of the construction, alteration,
 11 abandonment or conversion.

12 (2) The [*commission*] **department** shall provide acknowledgment to the constructor of receipt
 13 of a well log submitted under [*subsection (1) of*] this section within 120 days of receipt.

14 (3) Each log [*required under subsection (1) of*] **that a person files under** this section shall be
 15 in a form prescribed by the commission and shall show:

16 (a) The name and post-office address of the owner of the well and the person [*or public agency*]
 17 performing or causing the performance of the work of constructing, altering, abandoning or con-
 18 verting the well.

19 (b) The location of the well by county tax lot number, township, range and section, and to the
 20 nearest quarter-quarter section, **and by the** [*or*] latitude and longitude as established by a global
 21 positioning system[, *or with reference to government survey corners or monuments or corners of re-*
 22 *corded plats*].

23 (c) The dates of commencement and completion of the work of constructing, altering, abandoning
 24 or converting the well.

25 (d) The depth, diameter and type of the well.

26 (e) The kind and amount of the casing and where placed in the well, including the number and
 27 location of perforations or screens.

28 (f) The flow in cubic feet per second or gallons per minute of a flowing well, and the shut-in
 29 pressure in pounds per square inch.

30 (g) The static water level with reference to the land surface, and the drawdown with respect to
 31 the amount of water pumped per minute, when a pump test is made.

32 (h) The kind and nature of the material in each stratum penetrated, with at least one entry for
 33 each change of formation, and the thickness of aquifers.

34 (i) The temperature of the ground water encountered and other characteristics of the ground
 35 water in detail as required by the commission.

36 (4) If required by the commission, the person, public agency or licensee referred to in subsection
 37 (1) of this section shall furnish to the commission samples of the ground water and of each change
 38 of formation in containers furnished and transportation expense paid by the commission.

39 **SECTION 12.** ORS 537.765, as amended by section 11 of this 2021 Act, is amended to read:

40 537.765. (1) The business or activity of constructing new wells or altering, abandoning or con-
 41 verting existing wells is declared to be a business or activity affecting the public welfare, health and
 42 safety. In order to enable the state to protect the welfare, health and safety of its residents, any
 43 person licensed under ORS 537.747, or any person constructing, altering, abandoning or converting
 44 a well, shall keep a log of each well constructed, altered, abandoned or converted and shall **elec-**
 45 **tronically** file a certified copy of the log with the Water Resources Department within 30 days after

1 the completion of the construction, alteration, abandonment or conversion.

2 (2) The department shall provide acknowledgment to the constructor of receipt of a well log
3 **electronically** submitted under this section within 120 days of receipt.

4 (3) Each log that a person files under this section shall be in a form prescribed by the commis-
5 sion and shall show:

6 (a) The name and post-office address of the owner of the well and the person performing or
7 causing the performance of the work of constructing, altering, abandoning or converting the well.

8 (b) The location of the well by county tax lot number, township, range and section, and to the
9 nearest quarter-quarter section, and by the latitude and longitude as established by a global posi-
10 tioning system.

11 (c) The dates of commencement and completion of the work of constructing, altering, abandoning
12 or converting the well.

13 (d) The depth, diameter and type of the well.

14 (e) The kind and amount of the casing and where placed in the well, including the number and
15 location of perforations or screens.

16 (f) The flow in cubic feet per second or gallons per minute of a flowing well, and the shut-in
17 pressure in pounds per square inch.

18 (g) The static water level with reference to the land surface, and the drawdown with respect to
19 the amount of water pumped per minute, when a pump test is made.

20 (h) The kind and nature of the material in each stratum penetrated, with at least one entry for
21 each change of formation, and the thickness of aquifers.

22 (i) The temperature of the ground water encountered and other characteristics of the ground
23 water in detail as required by the commission.

24 (4) If required by the commission, the person, public agency or licensee referred to in subsection
25 (1) of this section shall furnish to the commission samples of the ground water and of each change
26 of formation in containers furnished and transportation expense paid by the commission.

27 **(5) The commission may adopt rules establishing precision requirements and standards**
28 **for global positioning system equipment used to obtain information submitted under sub-**
29 **section (3)(b) of this section.**

30 **(6) The commission may adopt rules that waive the electronic submittal requirement.**

31 **SECTION 13.** ORS 537.780 is amended to read:

32 537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992, the Water Resources
33 Commission may:

34 (a) Require that all flowing wells be capped or equipped with valves so that the flow of ground
35 water may be completely stopped when the ground water is not actually being applied to a beneficial
36 use.

37 (b) Enforce:

38 (A) General standards for the construction [*and*], **alteration, abandonment, conversion or**
39 **maintenance of wells and their casings, fittings, valves, pumps and back-siphoning prevention de-**
40 **VICES; and**

41 (B) Special standards for the construction [*and*], **alteration, abandonment, conversion or**
42 **maintenance of particular wells and their casings, fittings, valves and pumps.**

43 (c)(A) Adopt by rule and enforce when necessary to protect the ground water resource, stan-
44 dards for the construction, maintenance, abandonment or use of any hole through which ground
45 water may be contaminated; or

1 (B) Enter into an agreement with, or advise, other state agencies that are responsible for holes
 2 other than wells through which ground water may be contaminated in order to protect the ground
 3 water resource from contamination.

4 (d) Enforce uniform standards for the scientific measurement of water levels and of ground wa-
 5 ter flowing or withdrawn from wells.

6 (e) Enter upon any lands for the purpose of inspecting wells, including wells exempt under ORS
 7 537.545, casings, fittings, valves, pipes, pumps, measuring devices and back-siphoning prevention de-
 8 vices.

9 (f) Prosecute actions and suits to enjoin violations of ORS 537.505 to 537.795 and 537.992, and
 10 appear and become a party to any action, suit or proceeding in any court or before any adminis-
 11 trative body when it appears to the satisfaction of the commission that the determination of the
 12 action, suit or proceeding might be in conflict with the public policy expressed in ORS 537.525.

13 (g) Call upon and receive advice and assistance from the Environmental Quality Commission or
 14 any other public agency or any person, and enter into cooperative agreements with a public agency
 15 or person.

16 (h) Adopt and enforce rules necessary to carry out the provisions of ORS 537.505 to 537.795 and
 17 537.992 including but not limited to rules governing:

18 (A) The form and content of registration statements, certificates of registration, applications for
 19 permits, permits, certificates of completion, ground water right certificates, notices, proofs, maps,
 20 drawings, logs and licenses;

21 (B) Procedure in hearings held by the commission; and

22 (C) The circumstances under which the helpers of persons operating well drilling machinery may
 23 be exempt from the requirement of direct supervision by a licensed water well constructor.

24 (i) In accordance with applicable law regarding search and seizure, apply to any court of com-
 25 petent jurisdiction for a warrant to seize any well drilling machine used in violation of ORS 537.747
 26 or 537.753.

27 (2) Notwithstanding any provision of subsection (1) of this section, in administering the pro-
 28 visions of ORS 537.505 to 537.795 and 537.992, the commission may not:

29 (a) Adopt any rule restricting ground water use in an area unless the rule is based on substan-
 30 tial evidence in the record of the Water Resources Department to justify the imposition of re-
 31 strictions.

32 (b) Make any determination that a ground water use will impair, substantially interfere or un-
 33 duly interfere with a surface water source unless the determination is based on substantial evidence.
 34 Such evidence may include reports or studies prepared with relation to the specific use or may be
 35 based on the application of generally accepted hydrogeological principles to the specific use.

36 (3) At least once every three years, the commission shall review any rule adopted under sub-
 37 section (2) of this section that restricts ground water use in an area. The review process shall in-
 38 clude public notice and an opportunity to comment on the rule.

39 **SECTION 14.** ORS 537.789 is amended to read:

40 537.789. *[(1) The well identification number provided by the Water Resources Department when the*
 41 *reporting requirement of ORS 537.762 is satisfied shall be recorded on the well by a person licensed*
 42 *under ORS 537.747 within 30 days after the associated well work is completed.]*

43 **(1) A person licensed under ORS 537.747 who files a log under ORS 537.765 shall include**
 44 **in the log the identification number provided by the Water Resources Department. The per-**
 45 **son shall affix the identification number to the well no later than 30 days after completing**

1 **work on the well.**

2 (2) If a well does not have an identification number [*recorded on*] **affixed to** it at the time the
 3 property upon which the well is located is transferred, the owner of the property shall [*record on*]
 4 **affix to** the well the identification number obtained from the [*Water Resources*] department under
 5 ORS 537.791 within 30 days.

6 (3) The identification number [*on*] **affixed to** the well shall be clearly visible to a person looking
 7 for the number and shall meet minimum standards as recommended by the ground water advisory
 8 committee appointed under ORS 536.090 and adopted by the Water Resources Commission.

9 **SECTION 15.** ORS 537.791 is amended to read:

10 537.791. (1) A landowner may apply to the Water Resources Department for a number to identify
 11 a well on the landowner's property.

12 [*(2) The Water Resources Department shall issue a number to identify a well that has not received*
 13 *a number through the reporting process required for wells under ORS 537.762 within 10 days after*
 14 *receipt of the application.*]

15 **(2) If the department has not previously assigned an identification number to the well,**
 16 **no later than 10 days after receiving an application under this section, the department shall**
 17 **assign an identification number to the well.**

18 **SECTION 16.** Section 2, chapter 496, Oregon Laws 2001, is amended to read:

19 **Sec. 2.** (1) There is established a Well Constructors Continuing Education Committee consisting
 20 of four members appointed by the Water Resources Director as follows:

21 (a) [*Three*] **Two** persons from the well drilling industry licensed pursuant to ORS 537.747; [*and*]

22 (b) One person from the regulatory community[.]; **and**

23 **(c) One person having expertise in ground water quality, public health or employee**
 24 **safety.**

25 (2) The term of office of each member is three years, but a member serves at the pleasure of the
 26 director. Before the expiration of the term of a member, the director shall appoint a successor whose
 27 term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy
 28 for any cause, the director shall make an appointment to become effective immediately for the un-
 29 expired term.

30 (3) A member of the committee is entitled to travel expenses as provided in ORS 292.495.

31 (4) Members of the committee must be residents of this state who are knowledgeable about the
 32 principles of well construction.

33 (5) The committee shall select one of its members as chairperson and another as vice chair-
 34 person, for such terms and with the duties and powers necessary for the performance of the func-
 35 tions of such offices as the committee determines.

36 (6) Three members of the committee constitute a quorum for the transaction of business. At least
 37 three members of the committee must approve all official actions or decisions of the committee.

38 **SECTION 17.** Section 4, chapter 496, Oregon Laws 2001, as amended by section 2, chapter 221,
 39 Oregon Laws 2007, is amended to read:

40 **Sec. 4.** (1) The Well Constructors Continuing Education Committee shall recommend to the
 41 Water Resources Commission a process for reviewing and approving continuing education require-
 42 ments for licensed water well constructors established by rule pursuant to subsection (2) of this
 43 section.

44 (2) The commission shall adopt rules necessary for the administration of a continuing education
 45 program for licensed water well constructors consistent with the recommendations of the committee.

1 (3) The rules adopted by the commission under this section for the continuing education program
 2 shall:

3 (a) Authorize the committee to review and approve continuing education courses and to assign
 4 continuing education credits.

5 (b) At a minimum require, for renewal of a license issued under ORS 537.747, that an applicant:

6 (A) Through clinics, schools, professional organizations or seminars, lectures or other courses
 7 of study that relate to the practice of well construction and that are approved by the committee,
 8 obtain continuing education credits during each licensing period in an amount designated by the
 9 commission, but not to exceed 14 credits; and

10 (B) Furnish proof on a form approved by the committee that the applicant has complied with the
 11 continuing education requirements during the preceding licensing period unless the applicant is ex-
 12 empt under subsection (4) of this section.

13 (4) The commission may waive the continuing education requirements established by rule pur-
 14 suant to subsection (2) of this section for a licensed water well constructor if the constructor sub-
 15 mits satisfactory evidence of inability to attend continuing education courses because of health,
 16 military duty or other circumstances beyond the control of the constructor.

17 (5) For courses sponsored by the Water Resources Department, the fee for one continuing edu-
 18 cation credit [is] **may not exceed** \$40, and the total fees per day may not exceed \$250.

19 (6) The fees collected under this section for continuing education courses sponsored by the de-
 20 partment shall be paid into the Water Resources Department Water Right Operating Fund.
 21 Notwithstanding ORS 536.009, such moneys shall be used to pay the department's expenses associ-
 22 ated with conducting continuing education courses.

23 (7) At the time of application to renew a water well constructor's license pursuant to ORS
 24 537.747 (5), a person shall provide the department with evidence of compliance with the continuing
 25 education requirements established pursuant to this section.

26 **SECTION 18.** Section 7, chapter 496, Oregon Laws 2001, as amended by section 3, chapter 221,
 27 Oregon Laws 2007, and section 1, chapter 57, Oregon Laws 2014, is amended to read:

28 **Sec. 7.** Sections 2 and 4, chapter 496, Oregon Laws 2001, are repealed January 2, [2022] **2030.**

29 **SECTION 19.** **If the Water Resources Department has information that a person has**
 30 **engaged, or is about to engage, in any activity that is or will be a violation of ORS 537.747,**
 31 **537.753, 537.762 or 537.765, in addition to any other available remedies, the department may**
 32 **apply to the circuit court for Marion County, or to the circuit court for any county in which**
 33 **the activity has occurred or will occur, for a temporary or permanent injunction requiring**
 34 **the person to:**

35 (1) **Refrain from the activity; and**

36 (2) **Take any actions necessary to remedy any threat to groundwater supplies, public**
 37 **health or public safety.**

38 **SECTION 20.** **Section 2 of this 2021 Act applies to standards related to the construction,**
 39 **alteration, repair, abandonment or conversion of wells for which a well log submitted by a**
 40 **well constructor is received by the Water Resources Department on or after July 1, 2024.**

41 **SECTION 21.** **The amendments to ORS 537.747 by section 7 of this 2021 Act apply to li-**
 42 **cence issuance, requalification or renewal for which an application is received by the Water**
 43 **Resources Department on or after July 1, 2023.**

44 **SECTION 22.** **The amendments to ORS 537.762 by section 9 of this 2021 Act apply to in-**
 45 **formation submitted to the Water Resources Commission on or after July 1, 2023, relating**

1 to the proposed construction, alteration, abandonment or conversion of a well.

2 **SECTION 23.** Section 19 of this 2021 Act and the amendments to ORS 536.090, 536.750,
3 537.747, 537.753, 537.762, 537.765, 537.780, 537.789 and 537.791 by sections 5 to 9, 11 and 13 to
4 15 of this 2021 Act become operative on July 1, 2023.

5 **SECTION 24.** Section 2 of this 2021 Act and the amendments to ORS 537.762 and 537.765
6 by sections 10 and 12 of this 2021 Act become operative on July 1, 2024.

7 **SECTION 25.** The amendments to section 2, chapter 496, Oregon Laws 2001, by section
8 16 of this 2021 Act do not alter the term of office of a member serving on the Well
9 Constructors Continuing Education Committee immediately prior to the effective date of this
10 2021 Act. Upon the first vacancy on or after the effective date of this 2021 Act in an office
11 served by a member described in section 2 (1)(a), chapter 496, Oregon Laws 2001, as in effect
12 immediately prior to the effective date of this 2021 Act, the Water Resources Director shall
13 appoint a replacement having the qualifications described in section 2 (1)(c), chapter 496,
14 Oregon Laws 2001.

15 _____