

House Bill 2470

Sponsored by Representative STARK; Representative WITT (Pre-session filed.)

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**.

Requires Water Resources Commission to conduct technical review of each well log submitted to commission.

Provides that commission may not enforce against licensed well constructor general or special standards related to construction, alteration, abandonment or conversion of well after three years from date that well constructor submitted well log to commission, unless commission finds that well log contains material misrepresentation.

A BILL FOR AN ACT

1
2 Relating to ground water; amending ORS 537.765 and 537.780.

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

4 **SECTION 1.** ORS 537.765 is amended to read:

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

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

14 (3) Each log required under subsection (1) of this section shall be in a form prescribed by the
15 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 or latitude and longitude as established by a global positioning sys-
21 tem, or with reference to government survey corners or monuments or corners of recorded plats.

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

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

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

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

29 (g) The static water level with reference to the land surface, and the drawdown with respect to

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 the amount of water pumped per minute, when a pump test is made.

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

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

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

9 **(5) The commission shall conduct a technical review of each well log submitted under**
10 **subsection (1) of this section.**

11 **SECTION 2.** ORS 537.780 is amended to read:

12 537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992, the Water Resources
13 Commission may:

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

17 (b) Enforce:

18 (A) General standards for the construction and maintenance of wells and their casings, fittings,
19 valves, pumps and back-siphoning prevention devices; and

20 (B) Special standards for the construction and maintenance of particular wells and their casings,
21 fittings, valves and pumps.

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

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

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

30 (e) Enter upon any lands for the purpose of inspecting wells, including wells exempt under ORS
31 537.545, casings, fittings, valves, pipes, pumps, measuring devices and back-siphoning prevention de-
32 vices.

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

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

40 (h) Adopt and enforce rules necessary to carry out the provisions of ORS 537.505 to 537.795 and
41 537.992 including but not limited to rules governing:

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

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

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

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

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

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

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

15 **(c) Enforce against a well constructor licensed under ORS 537.747 general or special**
16 **standards related to construction, alteration, abandonment or conversion of a well after**
17 **three years from the date the well constructor submitted the well log to the commission**
18 **under ORS 537.765. This paragraph applies only to wells constructed, altered, abandoned or**
19 **converted for which a report and fee required by ORS 537.762 and a log required by ORS**
20 **537.765 have been submitted to the commission.**

21 **(3) Notwithstanding subsection (2)(c) of this section, if the commission finds that a log**
22 **contains a material misrepresentation concerning enforcement of general or special stan-**
23 **dards related to construction, alteration, abandonment or conversion of a well, the commis-**
24 **sion may enforce the general or special standards in effect when work on the well was**
25 **completed, as represented in the log.**

26 [(3)] (4) At least once every three years, the commission shall review any rule adopted under
27 subsection (2) of this section that restricts ground water use in an area. The review process shall
28 include public notice and an opportunity to comment on the rule.

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