

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2145**

1 On page 1 of the printed bill, line 3, after “sections 2” delete “, 4”.

2 Delete lines 6 through 23 and delete pages 2 through 14 and insert:

3 **“SECTION 1. Sections 2 and 3 of this 2021 Act are added to and**
4 **made a part of ORS 537.747 to 537.795.**

5 **“SECTION 2. The Water Well Abandonment, Repair and Replace-**
6 **ment Fund is established in the State Treasury, separate and distinct**
7 **from the General Fund. Interest earned by the Water Well Abandon-**
8 **ment, Repair and Replacement Fund shall be credited to the fund.**
9 **Moneys in the fund are continuously appropriated to the Water Re-**
10 **sources Department for the purpose of carrying out the program pur-**
11 **poses described in section 3 of this 2021 Act. The fund shall consist of**
12 **any moneys designated for deposit in the fund or for carrying out the**
13 **program purposes, including but not limited to appropriations or other**
14 **provisions of moneys by the Legislative Assembly and public or private**
15 **moneys from gifts, grants or donations.**

16 **“SECTION 3. (1) As used in this section, ‘repair’ may include, but**
17 **is not limited to, a well deepening.**

18 **“(2) Moneys in the Water Well Abandonment, Repair and Replace-**
19 **ment Fund may be disbursed under authority of the Water Resources**
20 **Director for the purposes described in this section. The Water Re-**
21 **sources Department may disburse moneys from the fund to provide**

1 **financial assistance:**

2 **“(a) To a person, as defined in ORS 536.007, or member of a federally**
3 **recognized Indian tribe in Oregon for the permanent abandonment,**
4 **substantial repair or replacement of a water well;**

5 **“(b) To nonprofit, governmental or other institutions that meet**
6 **qualifications established by Water Resources Commission rules, for**
7 **programs to permanently abandon, substantially repair or replace**
8 **water wells;**

9 **“(c) As cost-sharing with other programs to permanently abandon,**
10 **substantially repair or replace water wells; or**

11 **“(d) To pay the cost of direct services of a well constructor licensed**
12 **under ORS 537.747 to purchase necessary materials and perform the**
13 **work needed for abandoning, substantially repairing or replacing water**
14 **wells that are eligible under this section.**

15 **“(3) Except as provided in subsection (4) of this section, financial**
16 **assistance provided under subsection (2) of this section may not ex-**
17 **ceed:**

18 **“(a) 75 percent of the cost to permanently abandon a water well;**

19 **“(b) 75 percent of the cost to substantially repair or to replace a**
20 **water well used for household purposes; or**

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

24 **“(4) Notwithstanding subsection (3) of this section, financial assist-**
25 **ance provided under subsection (2) of this section to an individual with**
26 **lower income, as defined by the department, may cover the full cost**
27 **of the materials or work described in subsection (2) of this section.**

28 **“(5) An expenditure from the fund is subject to at least one of the**
29 **following purposes:**

30 **“(a) The permanent abandonment, substantial repair or replace-**

1 **ment of wells in which deficiencies in the well construction might:**

2 **“(A) Result in waste, loss of artesian pressure or ground water de-**
3 **clines;**

4 **“(B) Serve as a conduit for contamination; or**

5 **“(C) Otherwise be a detriment to public health or safety.**

6 **“(b) The substantial repair or replacement of water wells used for**
7 **household purposes by persons of lower or moderate income.**

8 **“(c) The replacement of water wells used for household purposes in**
9 **areas of declining ground water levels where other sources of water**
10 **for household purposes are not feasible.**

11 **“(d) The abandonment, repair or replacement of water wells con-**
12 **sistent with water resources management purposes specified by rule**
13 **by the commission.**

14 **“(6) If the department provides funding to an institution under**
15 **subsection (2)(b) of this section, the department shall require that the**
16 **institution:**

17 **“(a) Use accounting, auditing and fiscal procedures that conform**
18 **with generally accepted government accounting standards;**

19 **“(b) Give preference to persons of lower or moderate income and**
20 **to small businesses that do not qualify for other financing;**

21 **“(c) Demonstrate past success in offering, underwriting, servicing**
22 **and managing loans or grants to:**

23 **“(A) Persons of lower or moderate income; or**

24 **“(B) Persons representing a wide range of qualifications for credit;**
25 **and**

26 **“(d) Have a plan for engaging other stakeholders in outreach and**
27 **marketing efforts for a loan or grant program.**

28 **“(7) The department may enter into contracts, intergovernmental**
29 **agreements or other arrangements with public or private entities for**
30 **any purposes consistent with this section.**

1 **“(8) The commission may adopt rules to implement this section,**
2 **including rules that:**

3 **“(a) Prioritize the issuance of the funding for a purpose described**
4 **in subsection (5) of this section.**

5 **“(b) Establish a preference for providing the funding to individuals**
6 **of moderate or lower income.**

7 **“(c) Establish that the funding may only be provided to individuals**
8 **of moderate or lower income.**

9 **“SECTION 4.** ORS 536.090 is amended to read:

10 “536.090. (1) In carrying out the duties, functions and powers prescribed
11 by law, the Water Resources Commission shall appoint a ground water ad-
12 visory committee to:

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

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

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

18 “(b) Review the proposed expenditure of all revenues generated under
19 ORS 537.762 [(5)] (10). At least once each year, and before the expenditure
20 of such funds on new program activities, the Water Resources Department
21 and the ground water advisory committee shall develop jointly a proposed
22 expenditure plan for concurrence by the Water Resources Commission. The
23 plan may be modified, if necessary, upon the joint recommendation of the
24 department and the ground water advisory committee with concurrence by
25 the commission.

26 “(2) The committee shall consist of nine members who represent a range
27 of interests or expertise. At least three of the members shall be individuals
28 actively engaged in some aspect of the water supply or monitoring well
29 drilling industry. Members shall serve for such terms as the commission may
30 specify. The committee shall meet at least once every three months and at

1 other times and places as the commission may specify.

2 “(3) A member of the committee shall not receive compensation, but at
3 the discretion of the commission may be reimbursed for travel expenses in-
4 curred, subject to ORS 292.495.

5 “**SECTION 5.** ORS 536.750 is amended to read:

6 “536.750. (1) Notwithstanding any provision of ORS chapters 536 to 543A,
7 after a declaration that a severe, continuing drought exists, the Water Re-
8 sources Commission may:

9 “(a) Issue without first conducting a hearing under ORS 537.170, a tem-
10 porary permit for an emergency use of water;

11 “(b) Allow a temporary change in use, place of use or point of diversion
12 of water without complying with the notice and waiting requirements under
13 ORS 540.520;

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

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

18 “(e) Allow a temporary exchange of water without giving notice as re-
19 quired under ORS 540.535; and

20 “(f) Utilize an expedited notice and waiting requirement established by
21 rule for the substitution of a supplemental ground water right for a primary
22 water right under drought conditions in place of the notice and waiting re-
23 quirement provided in ORS 540.524.

24 “(2) The commission by rule may establish procedures for carrying out the
25 provisions of this section and a schedule of fees that must accompany a re-
26 quest under subsection (1) of this section.

27 “**SECTION 6.** ORS 537.747 is amended to read:

28 “537.747. (1) No person shall advertise services to construct, alter, aban-
29 don or convert wells, offer to enter or enter into a contract with another
30 person or public agency to construct, alter, abandon or convert a well for

1 such other person, cause any well construction, alteration, abandonment or
2 conversion to be performed under such a contract or operate well drilling
3 machinery without possessing a water well constructor's license therefor in
4 good standing issued by the Water Resources Department. The department
5 shall adopt a single water well constructor's license that may specify the
6 type of well, type of well alteration or construction or type of well drilling
7 machine operation for which the water well constructor is qualified.

8 “(2) Notwithstanding subsection (1) of this section, a person may operate
9 a well drilling machine without a water well constructor's license if super-
10 vised by one who possesses such a license.

11 “(3) A person shall be qualified to receive a water well constructor's li-
12 cense if the person:

13 “(a) Is at least 18 years of age.

14 “(b) Has passed a written examination conducted by the department to
15 determine fitness to operate as a water well constructor.

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

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

20 “(e) **Provides evidence that the person has completed an arc welding**
21 **training course from a community college, received a professional**
22 **welding certification, passed a welding proficiency test or otherwise**
23 **completed professional welding training.**

24 “(4) Upon fulfillment of all the requirements set out in subsection (3) of
25 this section, the department shall issue the applicant a water well
26 constructor's license in a form prescribed by the department. The license may
27 be issued for a period of two years.

28 “(5) A water well constructor's license shall expire on June 30 or on such
29 date as may be specified by department rule. A person may renew a license
30 by submitting an application and the appropriate fees any time before the

1 license expires but not later than one year after the license expires. A person
2 who renews a license within the 12 months after the license expires may ei-
3 ther pay a penalty fee set forth under subsection (6)(d) of this section or
4 requalify for a water well constructor's license in accordance with subsection
5 (3) of this section. If a person fails to renew a license within 12 months after
6 expiration, the person must comply with the requirements of subsection (3)
7 of this section for a new water well constructor's license.

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

9 “(a) An examination fee of \$20.

10 “(b) A license fee of \$150.

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

13 “(d) Unless a person requalifies for a water well constructor's license in
14 accordance with subsection (3) of this section, a water well constructor shall
15 pay a renewal fee of \$250 if [*the*] **an expired** license is renewed [*within*] **on**
16 **or before** 12 months after **the** expiration **date.**

17 “(e) If a person requalifies for a water well constructor's license under
18 subsection (3) of this section, the person shall pay the renewal fee estab-
19 lished under paragraph (c) of this subsection.

20 “(7) The department may revoke, suspend or refuse to renew any water
21 well constructor's license when it appears to the satisfaction of the depart-
22 ment, after notice and opportunity to be heard by the licensee, that the
23 licensee has failed to comply with the provisions of ORS 537.505 to 537.795
24 and 537.992 applicable to such licensee or any order or rule adopted there-
25 under applicable to such licensee, or has made a **material misrepresen-**
26 **tation or** material misstatement of fact on an application for a license or
27 well log or established a pattern of conduct that willfully or negligently vi-
28 olates any provision of ORS 537.505 to 537.795 and 537.992, or any rule
29 adopted pursuant thereto, applicable to such licensee.

30 “(8) The [*provisions of*] **requirement in** subsection (3)(d) of this section

1 [requiring one year or more experience in the operation of well drilling ma-
2 chinery do] **does** not apply to any person who, on July 1, 1981, holds the li-
3 cense required by this section and who continues thereafter to maintain the
4 license in good standing.

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

9 **“(10) Upon the request of the department, a well constructor shall**
10 **allow the department to observe and inspect the well constructor’s**
11 **work as the work occurs, including placement of an annular seal, in**
12 **accordance with the time frames required by ORS 537.762 (2) and any**
13 **notification required by ORS 537.762 (6).**

14 **“(11) Nothing in this section prevents the department from condi-**
15 **tioning a license to require observation and inspection as part of an**
16 **enforcement proceeding.**

17 **“(12) If the department observes a welding deficiency on a well, the**
18 **department may order the licensee who welded the well to, within a**
19 **reasonable time, complete an arc welding training course from a**
20 **community college, acquire a professional welding certification, pass**
21 **a welding proficiency test or otherwise complete professional welding**
22 **training.**

23 **“[(9)] (13) The fees collected under subsection (6) of this section shall be**
24 **paid into the Water Resources Department Water Right Operating Fund.**
25 **Such moneys are continuously appropriated to the Water Resources Depart-**
26 **ment to pay the department’s expenses in administering and enforcing the**
27 **water well constructor’s licensing program.**

28 **“SECTION 7. ORS 537.753 is amended to read:**

29 **“537.753. (1) Any person who contracts or offers services to contract to**
30 **construct, alter, abandon or convert wells shall have in effect a surety bond**

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

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

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

20 “(4) If a well is to be constructed, altered, abandoned or converted by a
21 person that is not licensed under ORS 537.747 on property owned by that
22 person, the person shall obtain a permit from the commission before begin-
23 ning work. Application for the permit shall be in the form prescribed by the
24 commission and must be accompanied by a fee of \$500. At the time [*the per-*
25 *mit is obtained,*] **of filing the permit,** the applicant also shall [*file with*]
26 **submit to** the commission a bond or an irrevocable letter of credit issued
27 by an insured institution as defined in ORS 706.008 running to the State of
28 Oregon in the sum of \$10,000, ensuring that in the construction, alteration,
29 abandonment or conversion of the well the landowner shall comply with all
30 the provisions of ORS 537.505 to 537.795 and 537.992 that are applicable to

1 the construction, alteration, abandonment or conversion of wells and to the
2 rules and standards of well construction, alteration, abandonment and con-
3 version that have been prescribed by the commission. Before the person who
4 constructs, alters, abandons or converts a well referred to in this subsection
5 seals the well, the person must give 10 days' written notice [*of the con-*
6 *struction, alteration, abandonment or conversion to the commission*] **to the**
7 **Water Resources Department so department personnel can be present**
8 **to observe the work.** After expiration of the notice period, the well may
9 be sealed even if the [*commission*] **department** has not caused the well to
10 be inspected.

11 **“SECTION 8.** ORS 537.762 is amended to read:

12 **“537.762. (1) As used in this section, ‘start card’ means a form con-**
13 **taining all information required by the Water Resources Department**
14 **as a notification that a well constructor or person described in ORS**
15 **537.753 (4) will commence work on a well.**

16 **“[(1)] (2) Each person required to possess a license under ORS 537.747 or**
17 **described in ORS 537.543 (4) who has entered into a contract to construct,**
18 **alter, abandon or convert a well or cause a well to be constructed, altered,**
19 **abandoned or converted shall, not earlier than 60 days and not later than**
20 **72 hours before beginning work on the well, [*make a report*] submit a start**
21 **card to the [*Water Resources Commission*] department containing:**

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

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

26 **“(c) The street address nearest to the proposed well.**

27 **“(d) The latitude and longitude of the well as established by a global**
28 **positioning system.**

29 **“[(c)] (e) The proposed depth and diameter of the well.**

30 **“[(d)] (f) The proposed purpose or use of the ground water from the pro-**

1 **posed well.**

2 **“(g) The time frame proposed for beginning and completing the**
3 **construction, alteration, abandonment or conversion.**

4 **“(h) The time frame proposed for annular seal placement.**

5 **“(i) The well identification label number, if assigned.**

6 **“(j) The water right application, permit or certificate number, if**
7 **applicable.**

8 **“(k) The original well log number, if applicable.**

9 **“(L) The type of work proposed.**

10 **“(m) Notification of any need for special standards.**

11 **“(n) The signature and license number of the bonded well**
12 **constructor who would undertake the work.**

13 **“(o) For an existing well, the current purpose of use of the well and**
14 **the existing depth and diameter of the well.**

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

18 **“(3) The department shall furnish a convenient means for persons**
19 **licensed under ORS 537.747 or described in ORS 537.753 (4) to submit**
20 **start card information under this section.**

21 *“[(3)] (4) A separate [report shall be furnished under subsection (1) of this*
22 *section] **start card is required** for each well that is constructed, altered,*
23 *abandoned or converted.*

24 *“[(4)] (5) [The report furnished under subsection (1) of] **A start card***
25 ***submitted under** this section shall be confidential and maintained as such*
26 *for one year or until the well log required under ORS 537.765 is received by*
27 *the [commission] **department**, whichever is earlier. Nothing in this sub-*
28 *section prohibits the [commission] **department** from using [the report] **a***
29 ***start card** for enforcement actions during the period the [report] **start card***
30 *is [considered] confidential.*

1 “(6) On the date that work on the well commences, the person
2 possessing a license under ORS 537.747 or described in ORS 537.753 (4)
3 shall, before commencing work, notify the department that the work
4 is about to commence. If the proposed date of seal placement is not
5 the date proposed on the start card required by ORS 537.762, the person
6 shall notify the department of the change at least four hours before
7 placing the seal.

8 “(7) The department may adopt rules establishing precision re-
9 quirements and standards for global positioning system equipment
10 used to obtain information submitted under subsection (2) of this sec-
11 tion.

12 “(8) Unless the person submitting a start card under this section
13 has requested and received an extension, a start card expires if con-
14 struction, alteration, abandonment or conversion of a well does not
15 begin on or before 60 days after submission of the start card. If a start
16 card expires, a new start card and fee must be submitted in compli-
17 ance with this section before construction, alteration, abandonment
18 or conversion of the well may occur.

19 “(9) The department may establish by rule an exception to any time
20 frame established in this section and the Water Resources Director
21 may, for good cause in exigent circumstances, waive any time frame
22 established by this section.

23 “[(5)] (10) Each [*report form*] **start card** submitted under [*subsection (1)*
24 *of*] this section for the construction of a new well, deepening of an existing
25 well[,] or conversion of a well shall be accompanied by a fee of \$225. [*Not-*
26 *withstanding the fee established pursuant to this subsection, the commission*
27 *may adopt by rule a reduced fee for persons submitting materials to the Water*
28 *Resources Department in a digital format approved by the department.*]

29 “[(6)] (11) The moneys paid to the [*commission*] **department** under sub-
30 section [(5)] (10) of this section shall be paid into the Water Resources De-

1 partment Operating Fund. All interest, if any, from moneys received under
2 subsection [(5)] (10) of this section shall inure to the benefit of the [*Water*
3 *Resources*] department. Such moneys and interest earned on such moneys
4 are continuously appropriated to the department to be used to pay the costs
5 of the department to employ personnel to inspect wells and well con-
6 struction.

7 **“SECTION 9.** ORS 537.762, as amended by section 8 of this 2021 Act, is
8 amended to read:

9 “537.762. (1) As used in this section, ‘start card’ means a form containing
10 all information required by the Water Resources Department as a notifica-
11 tion that a well constructor or person described in ORS 537.753 (4) will
12 commence work on a well.

13 “(2) Each person required to possess a license under ORS 537.747 or de-
14 scribed in ORS 537.543 (4) who has entered into a contract to construct, al-
15 ter, abandon or convert a well or cause a well to be constructed, altered,
16 abandoned or converted shall, not earlier than 60 days and not later than
17 72 hours before beginning work on the well, submit a start card to the de-
18 partment containing:

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

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

23 “(c) The street address nearest to the proposed well.

24 “(d) The latitude and longitude of the well as established by a global po-
25 sitioning system.

26 “(e) The proposed depth and diameter of the well.

27 “(f) The proposed purpose or use of the ground water from the proposed
28 well.

29 “(g) The time frame proposed for beginning and completing the con-
30 struction, alteration, abandonment or conversion.

1 “(h) The time frame proposed for annular seal placement.

2 “(i) The well identification label number, if assigned.

3 “(j) The water right application, permit or certificate number, if applica-
4 ble.

5 “(k) The original well log number, if applicable.

6 “(L) The type of work proposed.

7 “(m) Notification of any need for special standards.

8 “(n) The signature and license number of the bonded well constructor who
9 would undertake the work.

10 “(o) For an existing well, the current purpose of use of the well and the
11 existing depth and diameter of the well.

12 “(3) The department shall furnish a convenient means for persons licensed
13 under ORS 537.747 **or described in ORS 537.753 (4)** to submit start card
14 information under this section.

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

17 “(5) A start card submitted under this section shall be confidential and
18 maintained as such for one year or until the well log required under ORS
19 537.765 is received by the department, whichever is earlier. Nothing in this
20 subsection prohibits the department from using a start card for enforcement
21 actions during the period the start card is confidential.

22 “(6) On the date that work on the well commences, the person possessing
23 a license under ORS 537.747 or described in ORS 537.753 (4) shall, before
24 commencing work, notify the department that the work is about to com-
25 mence. If the proposed date of seal placement is not the date proposed on the
26 start card required by ORS 537.762, the person shall notify the department
27 of the change at least four hours before placing the seal.

28 “(7) The department may adopt rules establishing precision requirements
29 and standards for global positioning system equipment used to obtain infor-
30 mation submitted under subsection (2) of this section.

1 “(8) Unless the person submitting a start card under this section has re-
2 quested and received an extension, a start card expires if construction, al-
3 teration, abandonment or conversion of a well does not begin on or before
4 60 days after submission of the start card. If a start card expires, a new start
5 card and fee must be submitted in compliance with this section before con-
6 struction, alteration, abandonment or conversion of the well may occur.

7 “(9) The department may establish by rule an exception to any time frame
8 established in this section and the Water Resources Director may, for good
9 cause in exigent circumstances, waive any time frame established by this
10 section.

11 “(10) Each start card submitted under this section for the construction
12 of a new well, deepening of an existing well or conversion of a well shall
13 be accompanied by a fee of \$225. **A start card shall be submitted to the**
14 **department by electronic means, unless the department authorizes a**
15 **different means of submission.**

16 “(11) The moneys paid to the department under subsection (10) of this
17 section shall be paid into the Water Resources Department Operating Fund.
18 All interest, if any, from moneys received under subsection (10) of this sec-
19 tion shall inure to the benefit of the department. Such moneys and interest
20 earned on such moneys are continuously appropriated to the department to
21 be used to pay the costs of the department to employ personnel to inspect
22 wells and well construction.

23 **“SECTION 10.** ORS 537.765 is amended to read:

24 “537.765. (1) The business or activity of constructing new wells or alter-
25 ing, abandoning or converting existing wells is declared to be a business or
26 activity affecting the public welfare, health and safety. In order to enable the
27 state to protect the welfare, health and safety of its [*citizens,*] **residents,** any
28 person licensed under ORS 537.747, or any person [*or public agency*] **per-**
29 **forming the work of** constructing, altering, abandoning or converting a
30 well, shall keep a log of each well constructed, altered, abandoned or con-

1 verted and shall *[furnish]* **file** a certified copy of the log *[to]* **with** the Water
2 Resources *[Commission]* **Department** within 30 days after the completion of
3 the construction, alteration, abandonment or conversion.

4 “(2) The *[commission]* **department** shall provide **to a well constructor**
5 **or person described in ORS 537.753 (4)** acknowledgment *[to the*
6 *constructor]* of receipt of a well log submitted under *[subsection (1) of]* this
7 section within 120 days of receipt.

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

11 “(a) The name and post-office address of the owner of the well.

12 “(b) **The name and license number of** *[and]* the person *[or public*
13 *agency]* performing or causing the performance of the work *[of constructing,*
14 *altering, abandoning or converting the well]*.

15 “(c) **The name and license number of the person responsible for**
16 **performing or causing the performance of the work.**

17 “(d) **The names of any persons that assisted with the work.**

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

23 “[*c*] (f) The dates of commencement and completion of the work of con-
24 structing, altering, abandoning or converting the well.

25 “[*d*] (g) The depth, diameter and type of the well.

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

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

30 “[*g*] (j) The static water level with reference to the land surface, and the

1 drawdown with respect to the amount of water pumped per minute, when a
2 pump test is made.

3 “[*h*] (k) The kind and nature of the material in each stratum penetrated,
4 with at least one entry for each change of formation, and the thickness of
5 aquifers.

6 “[*i*] (L) The temperature of the ground water encountered and other
7 characteristics of the ground water in detail as required by the
8 [*commission*] **department**.

9 “(4) If required by the [*commission*] **department**, the person, public
10 agency or licensee referred to in subsection (1) of this section shall furnish
11 to the [*commission*] **department** samples of the ground water and of each
12 change of formation in containers furnished and transportation expense paid
13 by the [*commission*] **department**.

14 “(5) **The department may adopt rules establishing precision re-**
15 **quirements and standards for global positioning system equipment**
16 **used to obtain information submitted under subsection (3)(e) of this**
17 **section.**

18 “**SECTION 11.** ORS 537.765, as amended by section 10 of this 2021 Act,
19 is amended to read:

20 “537.765. (1) The business or activity of constructing new wells or alter-
21 ing, abandoning or converting existing wells is declared to be a business or
22 activity affecting the public welfare, health and safety. In order to enable the
23 state to protect the welfare, health and safety of its residents, any person
24 licensed under ORS 537.747, or any person performing the work of con-
25 structing, altering, abandoning or converting a well, shall keep a log of each
26 well constructed, altered, abandoned or converted and shall **electronically**
27 file a certified copy of the log with the Water Resources Department within
28 30 days after the completion of the construction, alteration, abandonment or
29 conversion.

30 “(2) The department shall provide to a well constructor or person de-

1 scribed in ORS 537.753 (4) acknowledgment of receipt of a well log **elec-**
2 **tronically** submitted under this section within 120 days of receipt.

3 “(3) Each log that a person files under this section shall be in a form
4 prescribed by the department and shall show:

5 “(a) The name and post-office address of the owner of the well.

6 “(b) The name and license number of the person performing or causing
7 the performance of the work.

8 “(c) The name and license number of the person responsible for perform-
9 ing or causing the performance of the work.

10 “(d) The names of any persons that assisted with the work.

11 “(e) The location of the well by county tax lot number, township, range
12 and section, and to the nearest quarter-quarter section, and by the latitude
13 and longitude as established by a global positioning system.

14 “(f) The dates of commencement and completion of the work of con-
15 structing, altering, abandoning or converting the well.

16 “(g) The depth, diameter and type of the well.

17 “(h) The kind and amount of the casing and where placed in the well,
18 including the number and location of perforations or screens.

19 “(i) The flow in cubic feet per second or gallons per minute of a flowing
20 well, and the shut-in pressure in pounds per square inch.

21 “(j) The static water level with reference to the land surface, and the
22 drawdown with respect to the amount of water pumped per minute, when a
23 pump test is made.

24 “(k) The kind and nature of the material in each stratum penetrated, with
25 at least one entry for each change of formation, and the thickness of
26 aquifers.

27 “(L) The temperature of the ground water encountered and other charac-
28 teristics of the ground water in detail as required by the department.

29 “(4) If required by the department, the person, public agency or licensee
30 referred to in subsection (1) of this section shall furnish to the department

1 samples of the ground water and of each change of formation in containers
2 furnished and transportation expense paid by the department.

3 “(5) The department may adopt rules establishing precision requirements
4 and standards for global positioning system equipment used to obtain infor-
5 mation submitted under subsection (3)(e) of this section.

6 “(6) **The department may adopt rules that waive the electronic**
7 **submittal requirement.**

8 “**SECTION 12.** ORS 537.780 is amended to read:

9 “537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992,
10 the Water Resources Commission may:

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

14 “(b) Enforce:

15 “(A) General standards for the construction [*and*], **alteration, abandon-**
16 **ment, conversion or** maintenance of wells and their casings, fittings,
17 valves, pumps and back-siphoning prevention devices; and

18 “(B) Special standards for the construction [*and*], **alteration, abandon-**
19 **ment, conversion or** maintenance of particular wells and their casings,
20 fittings, valves and pumps.

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

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

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

30 “(e) Enter upon any lands for the purpose of inspecting wells, including

1 wells exempt under ORS 537.545, casings, fittings, valves, pipes, pumps,
2 measuring devices and back-siphoning prevention devices.

3 “(f) Prosecute actions and suits to enjoin violations of ORS 537.505 to
4 537.795 and 537.992, and appear and become a party to any action, suit or
5 proceeding in any court or before any administrative body when it appears
6 to the satisfaction of the commission that the determination of the action,
7 suit or proceeding might be in conflict with the public policy expressed in
8 ORS 537.525.

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

12 “(h) Adopt and enforce rules necessary to carry out the provisions of ORS
13 537.505 to 537.795 and 537.992 including but not limited to rules governing:

14 “(A) The form and content of registration statements, certificates of reg-
15 istration, applications for permits, permits, certificates of completion, ground
16 water right certificates, notices, proofs, maps, drawings, logs and licenses;

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

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

21 “(i) In accordance with applicable law regarding search and seizure, apply
22 to any court of competent jurisdiction for a warrant to seize any well drill-
23 ing machine used in violation of ORS 537.747 or 537.753.

24 “(2) Notwithstanding any provision of subsection (1) of this section, in
25 administering the provisions of ORS 537.505 to 537.795 and 537.992, the com-
26 mission may not:

27 “(a) Adopt any rule restricting ground water use in an area unless the
28 rule is based on substantial evidence in the record of the Water Resources
29 Department to justify the imposition of restrictions.

30 “(b) Make any determination that a ground water use will impair, sub-

1 stantially interfere or unduly interfere with a surface water source unless
2 the determination is based on substantial evidence. Such evidence may in-
3 clude reports or studies prepared with relation to the specific use or may be
4 based on the application of generally accepted hydrogeological principles to
5 the specific use.

6 “(3) At least once every three years, the commission shall review any rule
7 adopted under subsection (2) of this section that restricts ground water use
8 in an area. The review process shall include public notice and an opportunity
9 to comment on the rule.

10 **“SECTION 13.** ORS 537.789 is amended to read:

11 “537.789. *[(1) The well identification number provided by the Water Re-*
12 *sources Department when the reporting requirement of ORS 537.762 is satisfied*
13 *shall be recorded on the well by a person licensed under ORS 537.747 within*
14 *30 days after the associated well work is completed.]*

15 **“(1) A person licensed under ORS 537.747 or described in ORS 537.543**
16 **(4) who files a log under ORS 537.765 shall include in the log the iden-**
17 **tification number provided by the Water Resources Department. The**
18 **person shall affix the identification number to the well no later than**
19 **30 days after completing work on the well.**

20 “(2) If a well does not have an identification number [*recorded on*] **affixed**
21 **to** it at the time the property upon which the well is located is transferred,
22 the owner of the property shall [*record on*] **affix to** the well the identifica-
23 tion number obtained from the [*Water Resources*] department under ORS
24 537.791 within 30 days.

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

29 **“SECTION 14.** ORS 537.791 is amended to read:

30 “537.791. (1) A landowner may apply to the Water Resources Department

1 for a number to identify a well on the landowner's property.

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

5 “**(2) If the department has not previously assigned an identification**
6 **number to the well, no later than 10 days after receiving an application**
7 **under this section, the department shall assign an identification**
8 **number to the well.**

9 “**SECTION 15.** Section 2, chapter 496, Oregon Laws 2001, is amended to
10 read:

11 “**Sec. 2.** (1) There is established a Well Constructors Continuing Educa-
12 tion Committee consisting of [*four*] **six** members appointed by the Water
13 Resources Director as follows:

14 “**(a) One person representing the Water Resources Department;**

15 “[*(a)*] **(b) Three persons from the well drilling industry licensed pursuant**
16 **to ORS 537.747; [*and*]**

17 “[*(b)*] *One person from the regulatory community.*]

18 “**(c) One person having expertise in ground water quality or public**
19 **health; and**

20 “**(d) One person having expertise in employee safety.**

21 “(2) The term of office of each member is three years, but a member serves
22 at the pleasure of the director. Before the expiration of the term of a mem-
23 ber, the director shall appoint a successor whose term begins on July 1 next
24 following. A member is eligible for reappointment. If there is a vacancy for
25 any cause, the director shall make an appointment to become effective im-
26 mediately for the unexpired term.

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

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

1 “(5) The committee shall select one of its members as chairperson and
2 another as vice chairperson, for such terms and with the duties and powers
3 necessary for the performance of the functions of such offices as the com-
4 mittee determines.

5 “(6) [*Three*] **Four** members of the committee constitute a quorum for the
6 transaction of business. At least [*three*] **four** members of the committee must
7 approve all official actions or decisions of the committee.

8 “**SECTION 16.** Section 7, chapter 496, Oregon Laws 2001, as amended by
9 section 3, chapter 221, Oregon Laws 2007, and section 1, chapter 57, Oregon
10 Laws 2014, is amended to read:

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

13 “**SECTION 17.** **If the Water Resources Department has information**
14 **that a person has engaged, or is about to engage, in any activity that**
15 **is or will be a violation of ORS 537.747, 537.753, 537.762 or 537.765, in**
16 **addition to any other available remedies, the department may apply**
17 **to the circuit court for Marion County, or to the circuit court for any**
18 **county in which the activity has occurred or will occur, for a tempo-**
19 **rary or permanent injunction requiring the person to:**

20 “(1) **Refrain from the activity; and**

21 “(2) **Take any actions necessary to remedy any threat to**
22 **groundwater supplies, public health or public safety.**

23 “**SECTION 18.** **The amendments to ORS 537.747 by section 6 of this**
24 **2021 Act apply to license issuance, requalification or renewal for which**
25 **an application is received by the Water Resources Department on or**
26 **after July 1, 2023.**

27 “**SECTION 19.** **The amendments to ORS 537.762 by section 8 of this**
28 **2021 Act apply to information submitted to the Water Resources**
29 **Commission on or after July 1, 2023, relating to the proposed con-**
30 **struction, alteration, abandonment or conversion of a well.**

1 **“SECTION 20. Section 17 of this 2021 Act and the amendments to**
2 **ORS 536.090, 536.750, 537.747, 537.753, 537.762, 537.765, 537.780, 537.789 and**
3 **537.791 by sections 4 to 8, 10 and 12 to 14 of this 2021 Act become op-**
4 **erative on July 1, 2023.**

5 **“SECTION 21. The amendments to ORS 537.762 and 537.765 by**
6 **sections 9 and 11 of this 2021 Act become operative on July 1, 2024.**

7 **“SECTION 22. The amendments to section 2, chapter 496, Oregon**
8 **Laws 2001, by section 15 of this 2021 Act do not alter the term of office**
9 **of a member serving on the Well Constructors Continuing Education**
10 **Committee immediately prior to the effective date of this 2021 Act.”.**

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