

Submitter: CJ Nugent  
On Behalf Of: Nugent Drilling Co. LLC  
Committee: Senate Committee On Rules  
Measure, Appointment or Topic: SB1154

Chair Jama, Vice-Chair Bonham, and members of the committee.

Thank you for the opportunity to testify to you all today.

I will keep this short.

As currently written, I am neutral, however I think a couple VERY IMPORTANT things need to be changed in another amendment. This bill has had extensive Stakeholder input these past few weeks and has changed significantly since its initial posting. I am blown away with how quickly this bill has transformed for the better.

First:

On Page 20 section 20 (a) the "5,000 gallons per abandoned well per day..." This should be amended to 15,000 gallons per day. Since it is already in statute under the domestic use category as 15,000 gallons per day, this should be consistent with other statutes otherwise it will most definitely invite confusion and possibly even litigating and/or lawsuits. If this cannot be changed, then I HIGHLY recommend the gallons per day limit number be removed from THIS bill completely due to it already being set in the domestic use category in statute. This could also be viewed by many as a restriction of the 15,000 Gallons per day down to 5,000 gallons.

This is about clarity and consistency with current statute, And I believe a fix could be easy. The other option is to reference the domestic use category ORS.

Second.

Page 30 Line 8-10

The department should absolutely include and cite the findings and facts of law that is relevant to the decision. This could also open up possible litigation and lawsuits in the future.

For example: a developer decides to do a community well and has to apply for expanded group domestic water, and he gets approved, then a year later a separate developer decides to do the same thing next door, and is denied; the denied applicant would absolutely go towards a lawsuit. That said, if the findings were transparent and clear, it could help not get the department not get sued.

Lastly,

Page 35 Section 40 "(d)(A)

the reference to "tenant" needs to be removed. This could once again open up a whole can of worms. A tenant is a renter, and does not have the ability and in many cases the know how to make decisions in regards to the actual property. Since they do not have legal authority in most cases to make real property decisions, this would be unhelpful and cause further confusion, and possibly even encroach in renter/landlord disputes.

I believe these changes could be simple and most definitely keep lawsuits away. I have worked with many OWRD employees for over a decade; they are a fantastic group of people whom I have respect for, and many I even call friends. For their sake, I ask that you all look closely and really consider these changes. They are already stretched thin and these changes could avoid making it even worse!

Thank you for your consideration in these changes to SB1154.

CJ Nugent  
Nugent Drilling Co. LLC  
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