

EXEMPT GROUNDWATER USE FEE AND MAPPING REQUIREMENTS FREQUENTLY ASKED QUESTIONS

Q. What is the legal basis for this requirement?

A. Senate Bill 788 was passed by the 2009 legislature. (Oregon Revised Statutes 537.545)

Q. What is the landowner required to do?

A. The landowner where the well is constructed is required to submit a map and \$300 recording fee for new or converted exempt water supply wells associated with exempt groundwater uses.

Q. What is the purpose of this new requirement?

A. The purpose is to improve the management of groundwater throughout the state. The new law provides for better groundwater information in two ways. One is the requirement of a map showing the location of the well. This is extremely valuable to the Department in identifying the supply and availability of groundwater. The second is a new fee that is intended to support additional research and studies of groundwater.

Q. What kinds of wells are affected by this program?

A. All new and converted water supply wells that are associated with an exempt groundwater use are affected

Q. What is a groundwater exempt use?

A. Under Oregon law, all groundwater is considered a public resource. In general, a water right permit must be obtained before using water from any well. However, the following uses of groundwater **do not** require making application for a water right permit:

1. Stock watering.
2. Lawn or noncommercial garden watering of not more than one-half acre in area.
3. Single or group domestic purposes not exceeding 15,000 gallons per day.
4. Single industrial or commercial purposes not exceeding 5,000 gallons per day.
5. Down-hole heat exchange uses.
6. Watering school grounds that are ten acres or less and located within a critical groundwater area (ORS 537.545).

Q. Why do I have to pay the \$300 filing fee for recording the well?

A. This fee will be used for monitoring and management of our groundwater resource. These studies will provide valuable data for identifying the supply and availability of groundwater.

Q. Do I have to pay a \$300 filing fee for every exempt well I drill?

A. Yes. The fee is required for each exempt well.

Q. Do I have to provide a map for each well, or can I just send in one map for the same property?

A. Only one map is necessary as long as the map clearly locates each well.

Q. Is this a one-time fee?

A. Yes.

Q. Can the \$300 filing fee and the map be sent at the same time as the Start Card?

A. Yes, however, the Department recommends waiting until the construction of the well is completed. That way the fee and map can be submitted when the well constructor submits the well log report for the well.

Q. When do the map and fee need to be received by the Water Resources Department?

A. The landowner must provide a map and fee to the Department no later than 30 days after completion of the well.

Q. How do I create a map for my well?

A. You can obtain a tax lot map of your property from the county assessor's office (or online) and sketch in the well location including distances from a property corner and sketch in major structures or landmarks in relation to the well.

Q. Where can I get a map of my tax lot?

A. You can get tax lot maps from your county assessor. The link for county assessors in Oregon is: www.bcd.oregon.gov/lois/county_index.html. You can also get tax lot maps from ORMAP at: www.ormap.org.

Q. What if I don't pay the fee or send a map?

A. Civil penalties may apply for failure to pay the filing fee or providing a map identifying the well location.

Q. Who can I contact regarding this issue?

A. If you have questions regarding your groundwater use and the requirement to obtain a water right permit, contact your local watermaster at the link below www.wrd.state.or.us/OWRD/offices.shtml. If you have questions regarding the exempt use record fee and map contact the Exempt Use Well Program Coordinator at 503-986-0861.

Q. What if I already have a water right associated with the well?

A. No additional fee or map is required for wells that already have an Oregon water right permit. You will need to provide a permit or certificate number associated with the water right to validate your assertion as well as the legal description of the well listed on the permit or certificate (for example, 530 feet North and 1370 feet East, both from the SW Corner of Section 18, Township 6 South, Range 1 East, W.M.)

Q. Do I have to attach a record of this to my property deed?

A. No. There are no recording requirements at county offices.