

Chapter 690

Division 205

WATER SUPPLY WELL CONSTRUCTION: STANDARDS AND LICENSING

690-205-0005

License or Permit Required to Construct Water Supply Wells

(1) Unless otherwise provided in these rules, any person who constructs, alters or abandons water supply wells for another person shall have a Water Supply Well Constructor's license or work under the supervision of a licensed Water Supply Well Constructor.

(2) If a person advertises services and/or enters into contracts for the construction, alteration or abandonment of water supply wells for another person, that person shall furnish a Water Well Constructor's Bond or Irrevocable Letter of Credit in the amount specified under ORS 537.753 to the Water Resources Commission and must be a licensed Water Supply Well Constructor.

(3) A property owner who is not licensed under ORS 537.747 who constructs, alters, or abandons a water supply well on their own property shall have a Landowner Well Permit as described in OAR 690-205-0175 for each water supply well on which work is done.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.026, ORS 536.900 & ORS 537.992

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 536.900 & ORS 537.992

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WRD 7-2001, f. & cert. ef. 11-15-01

WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94

WRD 7-1988, f. & cert. ef. 6-29-88

WRD 13-1986, f. 10-7-86, ef. 11-1-86

690-205-0010

Water Supply Well Constructor License Examination

(1) The Water Resources Department administers the written examination required under ORS 537.747. Separate examinations are administered for each license endorsement. The Department schedules the

examination on the second Monday during the months of January, April, July and October. Examinees must pay a \$20.00 exam fee. Special accommodations may be given to those individuals who cannot attend the regularly scheduled examination dates. Requests shall be considered on a case-by-case basis. The examination tests the applicant's knowledge of:

(a) Oregon laws and administrative rules on the use of ground water, water supply well constructor licensing requirements, basic information on hydrogeology, the construction of water supply wells, and the preparing and filing of Start Cards and Water Supply Well Reports;

(b) Hydrogeology, the occurrence and movement of ground water, and the design, construction and development of water supply wells; and

(c) Types, uses, and maintenance of drilling tools and equipment, drilling problems and corrective procedures, repair of faulty water supply wells, sealing of water supply wells, and safety rules and practices.

(2) An applicant who fails to pass an endorsement examination may retake an examination for the same endorsement after three months and the payment of another examination fee.

(3) Passing examination scores are valid for three years from the date of the examination.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.027, ORS 536.900 & ORS 537.992

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 536.900 & ORS 537.992

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WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94

WRD 7-1988, f. & cert. ef. 6-29-88

690-205-0020

Water Supply Well Constructor's License, Experience Requirements, Trainee Card and Temporary Authorization

(1) License. To qualify for a Water Supply Well Constructor's License, a person shall:

(a) Be at least 18 years old;

(b) Pass a written examination;

(c) Have a minimum of one year experience, during the previous 36-month period, in water supply well construction, conversion, alteration, or abandonment. This experience shall include the operation of well drilling machinery for water supply well construction, alteration, conversion, or abandonment on a

minimum of fifteen water supply wells or a demonstration of equivalent experience in the operation of well drilling machinery. The following are acceptable as evidence of experience:

(A) Water supply well reports, or rough well logs with applicants' name entered, for each of the 15 wells. The name, address, and telephone number of the person responsible for the construction of each well shall be included on each report or log.

(B) Income tax returns showing source of drilling income for a period of time, or worker's compensation account information or the equivalent may be established to satisfy the one year of active construction requirement.

(C) Any other evidence the Director may deem suitable.

(D) A license held in another state shall not substitute for required evidence of experience.

(d) Pay a license fee.

(e) Provide evidence of welding proficiency. The following options will satisfy the evidence of welding proficiency requirement:

(A) A copy of an arc welding certificate from a nationally recognized welding organization. Acceptable organizations include, but are not limited to, American Welding Society, American Petroleum Institute, American Society of Mechanical Engineers, and the United States Military; or

(B) A copy of an official transcript or other official written documentation from a community college that demonstrates a passing grade in an arc welding training course; or

(C) Official written documentation from a university, welding school, trade school, technical institute, or nationally recognized welding organization that demonstrates that the applicant has received a passing grade in an arc welding training course or has otherwise completed professional welding training; or

(D) Written documentation from a certified welding instructor or certified welding inspector, providing proof that the applicant has successfully completed arc welding tests to demonstrate proficiency at welding steel casing joints as required in OAR 690-210-0200; or

(E) A copy of an American Welding Society D1.1 structural welding certificate for steel with a test in the 2G horizontal position.

~~(f) Applicants that hold a current Oregon monitoring well constructor's license are not required to provide evidence of welding proficiency to obtain a water supply well endorsement.~~

(2) Trainee. If an applicant passes the written Water Supply Well Constructor's License examination, but cannot meet the experience requirement, the Commission may issue a trainee card. To qualify for a Water Supply Well Constructor Trainee Card, a person must:

(a) Be at least 18 years old;

(b) Pass a written examination; and

(c) Be supervised by a person who holds a valid Water Supply Well Constructor's License.

(3) Trainee card. A trainee card is valid for three (3) years from the date the examination was passed.

(4) Supervision. Supervision as it relates to any person who holds a Water Supply Well Constructor Trainee Card:

(a) A trainee may operate a cable tool drilling machine without a licensed Water Supply Well Constructor physically present at the well site only if:

(A) The licensed constructor can reach the well site within two hours if requested by an authorized representative of the Department; and

(B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit.

(b) A licensed Water Supply Well Constructor must physically be on the site at all times when a cable tool drilling machine is:

(A) Drilling within a flowing artesian well;

(B) Setting or advancing casing;

(C) Setting liner;

(D) Perforating casing;

(E) Setting well screens;

(F) Placing packers;

(G) Placing casing seals;

(c) A Water Supply Well Constructor trainee may operate a non-cable tool water supply well drilling machine without a licensed Water Supply Well Constructor physically present at the well site only during the following events:

(A) Air test or pump test of the well;

(B) Gravel packing operations;

(C) Developing a completed well;

(D) Removal of the drill stem from the well.

(d) Activities under subsection (4)(c)(A)–(D) of this rule shall proceed only if:

(A) The licensed Water Supply Well Constructor can reach the site within one hour if requested by an authorized representative of the Department; and

(B) The licensed Water Supply Well Constructor has signed the rough drilling log within eight working hours prior to the representative's visit.

(e) An authorized representative of the Department in whose jurisdiction the water supply well is being constructed has the authority to:

(A) Grant an extension to the time limits stated above when a request, showing good cause, is received from the bonded constructor in advance for each particular well; and

(B) Place additional restrictions on the trainee, including requiring the constructor to be on the site at all times while the drilling machine is operating, when the authorized Department representative determines that either the drilling environment or the knowledge and/or experience of the trainee warrant closer supervision.

(f) For a Water Supply Well Constructor Trainee to operate a water supply well drilling machine without a licensed Water Supply Well Constructor present, the trainee's card must be endorsed with the name of the bonded Water Supply Well Constructor responsible for the construction of the water supply well.

(5) Water Supply Well Constructor's License Temporary Authorization Endorsement. A person that is the spouse of a member of the Armed Forces of the United States through marriage or domestic partnership, whose spouse is stationed in this state, may apply for a Water Supply Well Constructor's License Temporary Authorization Endorsement.

(a) Application for a water supply well constructor's license temporary authorization endorsement must include the following:

(A) Completed and signed application form including evidence the person is 18 years of age or older;

(B) Examination fee;

(C) A copy of a marriage certificate, domestic partnership registration, or other official evidence of legal union and an attestation that said union is valid and in effect;

(D) A copy of the spouse or domestic partner's assignment to an Oregon duty station by official active duty military order;

(E) Official verification of the applicant's current authorization to provide water supply well constructor services in another state along with the Department's "good standing" form;

(F) A completed comparison form as provided by the Department, outlining the out-of-state licensing authority's authorization requirements; and

(G) Official notification from the Department that applicant has passed the water supply well constructors license examination.

(b) The Department will review the application for a Water Supply Well Constructor's License Temporary Authorization Endorsement once all materials are submitted. A Water Supply Well Constructor's License Temporary Authorization Endorsement shall be issued if the Department determines:

(A) Applicant is eligible to apply;

(B) The Out-of-state authorization is current;

(C) The Out-of-state licensing authority's licensing requirements are substantially similar to the Department's requirements;

(D) The good standing form is complete;

(E) The applicant has passed the written exam; and

(F) The license fee is paid.

(c) A temporary authorization endorsement issued by the Department is valid until the earliest of:

(A) Two (2) years after the date of issuance;

(B) The date the spouse's term of military service ends;

(C) The date the persons out-of-state authorization expires.

(d) Temporary authorizations are not renewable. The holder of an expired temporary authorization may not continue to provide services for the construction, alteration, conversion, or abandonment of water supply wells after expiration unless the person obtains a Water Supply Well Constructor's License under subsection one (1) of this rule.

(e) The Department shall report annually to the State Legislature about temporary authorization endorsements as required in ORS 670.403.

(6) Other supervision requirements for persons not licensed or permitted to construct water supply wells, or who do not hold a Water Supply Well Constructor Trainee Card:

(a) Persons who are in the act of constructing, altering, converting or abandoning water supply wells must be supervised by a licensed Water Supply Well Constructor who is physically present at the well site at all times during construction, alteration, conversion, or abandonment activity.

(b) The supervising Water Supply Well Constructor is responsible for all applicable statutes and rules in construction, alteration, conversion, or abandonment of the water supply well.

(7) Persons who satisfy all requirements of ORS 537.747(3) shall be issued a Water Supply Well Constructor's License. The responsibilities for issuing and securing a Water Supply Well Constructor's License or trainee card are listed in subsections (a) and (b) of this section.

(a) The Water Supply Well Constructor's License applicant is responsible for:

(A) Completing an application or renewal form for a new or renewed license or trainee card;

(B) Submitting the application or renewal form to the Water Resources Department along with the required fees;

(C) Carrying the license or trainee card whenever constructing, altering, converting, or abandoning any water supply well; and

(D) Providing the Water Resources Department, within 30 days, notification of any change of mailing address.

(E) Providing the Water Resources Department documentation satisfying the continuing education requirements set forth in OAR 690-205-0035 through 690-205-0120.

(b) The Water Resources Department is responsible for:

(A) Designing and providing Water Supply Well Constructor license(s) and trainee cards;

(B) Designing and providing application forms and renewal forms for licenses and application forms for trainee cards;

- (C) Processing applications and renewals for licenses and applications for trainee cards;
- (D) Returning incomplete application and renewal forms to applicants for completion; and
- (E) Sending new and renewed licenses to applicants who have completed the application or renewal form and submitted the required fee. This does not preclude refusal to renew as outlined in OAR 690-205-0025(4).

(8) Bonded Water Supply Well Constructor. For a person to possess a bonded Water Supply Well Constructor's License, the person must provide to the Department a properly executed Water Well Constructor's Bond or Irrevocable Letter of Credit. The Water Resources Department shall indicate on the constructor's license a bonded classification.

(9) Representatives of the Water Resources Department may ask anyone constructing, altering, or abandoning a water supply well to present their license or trainee card as proof of eligibility to construct, alter, convert, or abandon water supply wells in the State of Oregon. Licensed individuals shall display their license or trainee card and photo identification when they are requested to do so by Water Resources Department personnel.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.900, ORS 536.027, ORS 106.340, ORS 537.992, ORS 670.400 & ORS 670.403

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 536.900, ORS 106.340, ORS 537.992, ORS 670.400 & ORS 670.403

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WRD 7-1988, f. & cert. ef. 6-29-88

690-205-0025

Term of Water Well Constructor License and License Fees

(1) The Department issues all Water Supply Well Constructor licenses. License fees are established by ORS 537.747. A penalty applies to late renewals.

(2) Fees for new licenses and renewal licenses are the same. The fee for a two-year license is \$150. All licenses expire on June 30 of the second year.

(3) A \$100 penalty applies when a licensee renews a license within 12 months of the expiration date. There is no charge for a Trainee Card.

(4) Water Supply Well Constructors who have not made arrangements with the Water Resources Department to pay civil penalties which are assessed against them shall not be issued a license renewal or a new license until after arrangements for payment have been agreed to by the Department. Water Supply Well Constructors who have made arrangements for payment of civil penalties and have failed to meet the terms of the agreement, except in certain cases of bankruptcy, may not have their license renewed or a new license issued until all outstanding civil penalties owed to the Department have been paid.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.027, ORS 536.900 & ORS 537.992

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 536.900 & ORS 537.992

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WRD 3-1983, f. & ef. 4-28-83

WRD 3, f. & ef. 2-18-77

690-205-0035

Continuing Education Committee

A Continuing Education Program and Continuing Education Committee are established under Chapter 496, Oregon Laws 2001 (ORS 537.765). The duties of the Well Constructors Continuing Education Committee are to review and approve continuing education courses and assign continuing education credits.

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

History:

WRD 1-2003, f. & cert. ef. 3-14-03

690-205-0045

Continuing Education Requirement

(1) Each individual licensed under ORS 537.747 is required to obtain a minimum of 14 continuing education credits (CECs) during each licensing period regardless of the number of licenses or

endorsements held. Continuing education credits may be obtained through clinics, schools, professional organizations, seminars, lectures or other continuing education courses that relate to the practice of well construction and are approved by the Continuing Education Committee.

(2) A minimum of two (2) CECs shall pertain to ground water and well construction statutes under ORS 537.505 to 537.795 and 537.992, and administrative rules under OAR 690-200 through 690-240 during each licensing period.

(3) A maximum of eight (8) CECs may be obtained through approved safety/first aid/CPR/Hazardous Materials courses during each licensing period. Of the eight (8) CECs, a maximum of four (4) CECs may be obtained through Hazardous Materials training courses and a maximum of four (4) CECs may be obtained through safety/first aid/CPR courses.

(4) Exhibitions shall count as one (1) CEC per approved exhibition attended and shall not exceed two (2) CECs per licensing period.

(5) Licensees may count approved CECs accumulated after January 1, 2002, for their first license renewal that requires CECs.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.027, ORS 536.900 & ORS 536.992

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 536.900 & ORS 536.992

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WRD 1-2003, f. & cert. ef. 3-14-03

690-205-0055

Documentation

(1) Each licensee is responsible for maintaining their own continuing education records. Except as provided in OAR 690-205-0110(2), each licensee shall provide the Department with evidence of compliance with the continuing education requirement on a form approved by the Continuing Education Committee prior to or at the time of license renewal.

(2) Licensees who do not provide documentation of completion of the continuing education requirement or receive a waiver shall not have their license(s), or appropriate endorsement(s), renewed until this requirement is satisfied.

(3) Licensees who provide documentation of completion of the continuing education requirement within the 12 months after their license expires may either pay the \$100 late penalty fee or requalify for a new Water Supply Well Constructor's License or endorsement in accordance with ORS 537.747(3). If a licensee fails to provide documentation of completion of the continuing education requirement within 12 months after expiration of their license or endorsement the person must comply with the requirements of ORS 537.747(3) for a new Water Supply Well Constructor's License or endorsement.

(4) CECs acquired during a renewal period in excess of the minimum CECs required may not be applied to future licensing periods.

(5) When an individual obtains a new Water Supply Well Constructor's License that expires within 14 months or less, the continuing education requirement shall be prorated such that only seven (7) CECs are required at the first renewal. Of the seven (7) required CECs:

(a) A maximum of two (2) CECs may be in Hazardous Materials training;

(b) A maximum of two (2) CECs may be in safety/first aid/CPR; and

(c) A minimum of one (1) CEC shall pertain to ground water and well construction statutes under ORS 537.505 to 537.795 and 537.992, and administrative rules under OAR 690-200 through 690-240.

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

History:

WRD 2-2006, f. & cert. ef. 6-20-06

WRD 1-2003, f. & cert. ef. 3-14-03

690-205-0075

Approved Course List/Course Approval and Assignment of CECs

(1) The Department shall maintain a Continuing Education Committee-approved list of courses. The list shall include, but not be limited to, the course title, class location and date, cost, (if applicable), and CECs assigned.

(2) The Continuing Education Committee shall evaluate all courses related to continuing education for well constructors and may assign CECs. The Continuing Education Committee shall notify the course sponsor in writing of the results of their evaluation of the course material. The following criteria may be utilized to evaluate and assign CECs:

(a) Course agenda and how well the subject relates to water well construction and other borings regulated by the Department;

(b) Instructor qualifications;

(c) Subject difficulty;

(d) Student course evaluations, if applicable; and

(e) Other information as appropriate.

(3) A licensee who is also the instructor of an approved continuing education course shall be entitled to double CECs for that course. A licensee who is also the instructor of an approved course, shall receive CECs for the course once during a single renewal period, regardless of the number of times a course is presented.

(4) The following courses do not require pre-approval by the Continuing Education Committee:

(a) First Aid and CPR, provided the instructor is certified by the American Red Cross, or has certification accepted by the American Red Cross;

(b) Occupational Safety and Health Administration (OSHA) approved Hazardous Materials Training; and

(c) OSHA approved courses pertaining to the well construction industry.

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

History:

WRD 1-2003, f. & cert. ef. 3-14-03

690-205-0085

Course Sponsor Requirements

(1) Course sponsors shall submit a completed application for approval to the Continuing Education Committee on a form(s) provided by the Department at least 45 days prior to the date the course is to be presented. Approved sponsors shall:

(a) Advertise the course to the satisfaction of the Continuing Education Committee;

(b) Provide the Department with a certified class roster within 30 days after completion of the course;

(c) Provide documentation of completion to each qualifying attendee that shall include at a minimum: course title, course date(s), number of approved credits, and instructor and/or sponsor signature; and

(d) Maintain the certified class roster for two years.

(2) All clinics, courses, classes, workshops, and seminars shall be open to anyone who wants to attend. This does not preclude a sponsor from imposing reasonable requirements for attendance such as fees, maximum occupancy limits, and requiring attendees to provide their own safety equipment.

(3) Course approval and assigned CECs shall be effective for two years as long as the course remains the same. The Continuing Education Committee shall be notified in writing by the course sponsor, 45 days in advance of each time an approved continuing education course is presented. Such notification shall include the course title, date, class location, cost (if applicable), number of credits assigned, and a statement that the program has not changed from the course previously approved by the Continuing Education Committee.

[ED. NOTE: Forms referenced are available from the agency.]

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

History:

WRD 1-2003, f. & cert. ef. 3-14-03

690-205-0095

Loss of Approval

The Continuing Education Committee may withdraw or suspend approval of a course if it is determined that any of the following has occurred:

- (1) The course content has changed without notice to the Continuing Education Committee;
- (2) The course was not advertised to the satisfaction of the Continuing Education Committee;
- (3) Documentation of completion has been issued to an individual who did not attend or complete the course in accordance with the provisions under which the course was approved;
- (4) Documentation of completion was not given to all individuals who satisfactorily completed the course in accordance with the provisions under which the course was approved;
- (5) A certified class roster was not maintained by the sponsor for two years;
- (6) Fraud or misrepresentation has occurred with the application for course approval, maintenance of records, teaching method, course content, or issuance of certificates for a course; or
- (7) Any other factor the Continuing Education Committee deems appropriate.

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

History:

WRD 1-2003, f. & cert. ef. 3-14-03

690-205-0110

Courses Taken Without Prior Approval

- (1) Except as provided in OAR 690-240-0210(5), a licensee may request that the Continuing Education Committee assign CECs for courses taken without prior approval within the current licensing period.
- (2) The licensee shall supply verification of attendance, a course outline, and a written explanation as to why prior approval was not obtained. This information must be received in the Salem office of the Department no later than May 15 of the year that their license or appropriate endorsement expires.
- (3) Courses taken without prior approval shall be evaluated by the Continuing Education Committee on a case-by-case basis using the criteria outlined in OAR 690-205-0075(2). This shall not apply to courses that do not require pre-approval under 690-205-0075(4).

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

History:

WRD 1-2003, f. & cert. ef. 3-14-03

690-205-0120

Waivers

(1) The Director may waive the continuing education requirements for a licensed Water Supply Well Constructor upon written request demonstrating inability to attend continuing education courses because of health, military duty or other circumstances beyond the control of the constructor.

(2) Licensees who are denied a waiver may appeal to the Commission by filing a written exception with the Department within 60 days of service of the Director's order.

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

History:

WRD 2-2006, f. & cert. ef. 6-20-06

WRD 1-2003, f. & cert. ef. 3-14-03

690-205-0145

Contracting for Services

Only Oregon licensed and bonded Water Supply Well Constructors may advertise services or enter into a contract, either written or oral, to construct, alter, convert, or abandon a water supply well. Any written bid for a project which includes the construction, alteration, conversion, or abandonment of a water supply well must provide:

(1) A bid or estimate for the work associated with water supply well construction signed by a Water Supply Well Constructor, who is licensed and bonded in the State of Oregon; and

(2) A statement by the licensed and bonded Water Supply Well Constructor that the work will be completed in accordance with Oregon Ground Water Law (ORS Chapter 537) and the Rules and Regulations for the Construction, Maintenance, and Abandonment of Water Supply Wells in Oregon (OAR chapter 690, divisions 200–230).

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

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WRD 7-1988, f. & cert. ef. 6-29-88

WRD 13-1986, f. 10-7-86, ef. 11-1-86

690-205-0155

Water Supply Well Constructor and Landowner Well Bonds or Letters of Credit

(1) The Water Resources Commission shall only accept bonds from corporations licensed by the Oregon Department of Insurance and Finance to issue fidelity and surety insurance. The Water Resources Department shall only accept irrevocable letters of credit from a bank as described in ORS 706.008.

(2) If the issuing corporation cancels a bond, the corporation shall provide notice of cancellation to the Water Resources Department by registered or certified mail. If the issuing bank cancels a letter of credit, the bank shall provide notice of cancellation to the Water Resources Department by registered or certified mail. The cancellation shall not take effect earlier than the 30th day after the date of mailing in accordance with ORS 742.366(2).

(3) When issuing a final enforcement order that may place a bond or irrevocable letter of credit in jeopardy, the Director may mail a copy of the order to the address of record of the surety company issuing the bond, or the bank issuing the irrevocable letter of credit.

(4) All wells shall be constructed under a bond or irrevocable letter of credit. The bond or letter of credit shall cover construction, alteration, conversion, or abandonment for each well under that bond or letter of credit for a period of three years after the date the well report is filed with the commission, whether or not the bond or letter of credit has been subsequently canceled.

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

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WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94

WRD 7-1988, f. & cert. ef. 6-29-88

WRD 13-1986, f. 10-7-86, ef. 11-1-86, Renumbered from 690-010-0024

WRD 3-1983, f. & ef. 4-28-83

690-205-0175

Landowner Well Construction Permit, Fee and Bond

(1) The Water Resources Commission requires a permit, permit fee, and bond or irrevocable letter of credit, for each water supply well constructed, altered, converted, or abandoned by a landowner, unless the landowner is a licensed and bonded Water Supply Well Constructor. The landowner permit and bond shall be obtained prior to beginning work on a well.

- (2) To receive a Landowner Well permit, a person must submit the following to the Director:
- (a) A completed application form provided by the Commission, containing:
 - (A) The property owner's name, address and telephone number;
 - (B) The surety company's name, address and telephone number;
 - (C) The proposed location of the well by township, range, section, tax-lot number if assigned, and street address;
 - (D) The proposed use of the water supply well; and
 - (E) The type of proposed work; and
 - (F) Well design plan on form approved by the Department.
 - (b) A properly executed Landowner's Water Well Bond or Irrevocable Letter of Credit in the amount specified under ORS 537.753 to the State of Oregon; and
 - (c) A permit fee in the amount specified under ORS 537.753.
- (3) Only the owner of record, a member of the immediate family of the owner of record, or a full time employee of the owner of record, (whose main duties are other than the construction of wells), may operate a well drilling machine under a landowner's permit.
- (4) A landowner permit issued pursuant to these rules shall expire six months from the date of issuance. A water well report shall be submitted within 30 days of expiration of the landowner permit, or within 30 days of completion of the well, whichever occurs first. The report shall be certified as correct by signature of the landowner constructing the water supply well.
- (5) If the landowner permit expires, a landowner may reapply for a new landowner permit by complying with the requirements described in sections (1), (2) and (3) of this rule.
- (6) The Department may deny a landowner permit if it is determined that the construction, alteration, abandonment, or conversion of the proposed well is a health threat, a health hazard, a source of contamination, or a source of waste of the ground water resource.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 183, ORS 536.027, ORS 536.900, ORS 537.992 & ORS 540

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 183, ORS 536.900, ORS 537.992 & ORS 540

History:

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WRD 7-2017, amend filed 12/18/2017, effective 01/01/2018

WRD 2-2006, f. & cert. ef. 6-20-06

WRD 4-2004, f. & cert. ef. 6-15-04

WRD 1-2003, f. & cert. ef. 3-14-03, Renumbered from 690-205-0050

WRD 7-2001, f. & cert. ef. 11-15-01

WRD 7-1988, f. & cert. ef. 6-29-88

WRD 13-1986, f. 10-7-86, cert. ef. 11-1-86, Renumbered from 690-010-0026

WRD 3-1983, f. & cert. ef. 4-28-83

690-205-0185

Water Supply Well Drilling Machines

(1) All water supply well drilling machines being operated, other than under a landowner's permit, shall be plainly marked either with the bonded Water Supply Well Constructor's license number, the name of the bonded Water Supply Well Constructor, or the name of the well drilling business. The markings shall be permanently affixed on each side of the machine. Good quality paint or commercial decal numbers shall be used in placing the identification information on the drilling machine. In no case shall the constructor's license number, name, or business name, be inscribed with crayon, chalk, marking keel, pencil, or other temporary markings.

(2) In all cases, the license number, name, or business name, of the bonded Water Supply Well Constructor shall be removed from the drilling machine immediately upon change of ownership or change of control of the drilling machine.

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

History:

WRD 5-2015, f. & cert. ef. 7-1-15

WRD 2-2006, f. & cert. ef. 6-20-06

WRD 1-2003, f. & cert. ef. 3-14-03, Renumbered from 690-205-0060

WRD 7-2001, f. & cert. ef. 11-15-01

WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94

WRD 7-1988, f. & cert. ef. 6-29-88

WRD 13-1986, f. 10-7-86, cert. ef. 11-1-86, Renumbered from 690-010-0030, 690-060-0035

WRD 3-1983, f. & cert. ef. 4-28-83

WRD 3, f. & cert. ef. 2-18-77

690-205-0200

Water Supply Well Construction Notice Required (Start Card)

(1) Each bonded Water Supply Well Constructor licensed to operate in the State of Oregon and each landowner holding a landowner's permit shall provide a start card as required in ORS 537.762 before commencing the construction, alteration, or abandonment of any water supply well or conversion of any monitoring well, geotechnical hole, or other hole to a water supply well. The start card shall contain the following information:

(a) Name, telephone number, electronic mail address and post-office address of the owner of the well;

(b) Street address of the well. If property does not have an address, then the street address nearest to the proposed well;

(c) The approximate location of the water supply well by county tax lot number, township, range, section and nearest quarter-quarter section;

(d) The latitude and longitude of the well as established by a global positioning system;

(e) The proposed depth and diameter of the well;

(f) The proposed purpose or use of the groundwater from the proposed well if the well is new, altered, or converted;

(g) The time frame proposed for beginning and completing the construction, alteration, abandonment or conversion;

(h) The time frame proposed for annular seal placement. If the actual date of seal placement is not the date proposed on the start card, the licensed or permitted person shall notify the department of the change at least four (4) hours before placing the seal. Notification shall be submitted:

(A) Electronically by department approved methods; or

(B) By mail, or hand, delivery to the region office where the well to be drilled, altered, converted, or abandoned is located. If this method is used, then the notification must be on a department approved notification form and received by the region office at least four (4) hours prior to placing the seal; or

(C) By electronic mail. If notification is sent by electronic mail, then the electronic mail shall include a completed copy of a department approved notification form. If department approved notification form is not attached to the electronic mail, then original notification form must be submitted to the Department within three (3) working days of the date of electronic mail notification.

(i) The well identification label number, if assigned;

(j) The water right application, permit or certificate number, if applicable;

(k) The original well log number, if applicable;

(l) The type of work proposed;

(m) Notification of any need for special standards;

(n) The signature and license number, if applicable, of the bonded and licensed or permitted person who would undertake the work;

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

(2) In addition to the information required pursuant to OAR 690-205-0200(1)(a)–(o), a start card may also contain information regarding the type of proposed alteration.

(3) Forms for making these reports and submitting fees shall be furnished by the Department.

(4) Landowners who construct, alter, convert, or abandon a water supply well shall also comply with OAR 690-205-0175.

(5) On the day that work on the well commences, the licensed or permitted person shall, before commencing work, notify the department that the work is about to commence. Notification shall be submitted:

(a) Electronically by department approved methods; or

(b) By mail, or hand delivery, to the region office where the well to be drilled, altered, converted, or abandoned is located. If this method is used, then the notification must be on a department approved notification form and received by the region office prior to beginning construction, alteration, conversion, or abandonment work; or

(c) By electronic mail. If notification is sent by electronic mail, then the electronic mail shall include a completed copy of a department approved notification form. If department approved notification form is not attached to the electronic mail, then original notification form must be submitted to the Department within three (3) working days of the date of electronic mail notification.

[ED. NOTE: Forms referenced are available from the agency.]

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.027, ORS 536.900 & ORS 537.992

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 536.900 & ORS 537.992

History:

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WRD 2-2006, f. & cert. ef. 6-20-06

WRD 4-2004, f. & cert. ef. 6-15-04

WRD 1-2003, f. & cert. ef. 3-14-03, Renumbered from 690-205-0070

WRD 2-2002, f. & cert. ef. 9-6-02

WRD 7-2001, f. & cert. ef. 11-15-01

WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94

WRD 10-1989, f. & cert. ef. 11-20-89

WRD 7-1989(Temp), f. & cert. ef. 9-29-89

WRD 7-1988, f. & cert. ef. 6-29-88

WRD 13-1986, f. 10-7-86, ef. 11-1-86, Renumbered from 690-010-0035

WRD 3-1983, f. & ef. 4-28-83

WRD 3, f. & ef. 2-18-77

690-205-0205

Start Card Reporting Requirements

(1) The start card notification required in ORS 537.762 shall be submitted to the Department's region office (Figure 205-1) within which the water supply well is being constructed, altered converted or abandoned using one of the following methods:

(a) Start cards submitted electronically shall be transmitted by a Department-approved method and shall be submitted not earlier than 60 days and not later than three (3) calendar days (72 hours) before beginning construction, alteration, conversion or abandonment work on any water supply well.

(b) By regular mail so that it is received by the Department not earlier than 60 days and not later than three (3) calendar days (72 hours) prior to commencement of work; or

(c) By hand delivery, during regular office hours, not earlier than 60 days and not later than three (3) calendar days (72 hours) before beginning the construction, alteration, conversion or abandonment work on any water supply well; or

(d) By facsimile transmission (FAX) (Table 205-1) not earlier than 60 days and not later than three (3) calendar days (72 hours) before beginning the construction, alteration, conversion or abandonment work on any water supply well. If this method is used, a legible copy of the start card shall also be mailed, or delivered to the appropriate OWRD region office not earlier than 60 days and not later than three (3) calendar days (72 hours) before the day work begins.

(e) Start cards may not be submitted earlier than 60 days or later than three (3) calendar days (72 hours) before beginning construction, alteration, conversion or abandonment work on any water supply well except as specified in Section (3) of this rule.

(2) The fee required under ORS 537.762(5) for the construction of a new well, deepening of an existing well, conversion of a monitoring well, geotechnical hole, or other hole shall be submitted to the Department's Salem office with a duplicate copy of the start card. A duplicate start card is not required if the start card fee is included with a start card submitted electronically under Section (1)(a) of this rule.

(3) The requirement in subsection (1) of this section that a licensed or permitted person must submit a start card not less than three calendar days (72 hours) before beginning work on a well does not apply:

(a) To a second or additional water well drilled on the same or a contiguous tax lot for the same landowner and for which a valid unexpired start card has been submitted pursuant to this section, if a start card for the second or additional water well is filed not later than the day the work on the water well begins.

(b) During water emergencies or casing height adjustments, if a start card is submitted before work begins.

(4) The Director or region office may provide alternate means of a start card notification. If an alternative means of notification is used, the start card shall be received by the Department's Salem office within one week of beginning work on the water supply well. A Water Supply Well Constructor whose license has been restricted by order shall provide notice as stipulated in the order.

(5) Once received by the Department, the start card shall be confidential for a period of one year after it is received or until the water supply well report required by OAR 690-205-0210 is received, whichever is shorter.

(6) The start card may be used in an administrative enforcement action at any time, including the period of confidentiality. Once the start card is used for enforcement reasons, it is no longer confidential.

(7) A separate start card and fee, if necessary, is required for each well that is constructed, altered, abandoned, or converted. This requirement includes unsuccessful wells and wells exempt from appropriation permit requirements under ORS 537.545.

(8) Effective July 1, 2024, start cards shall be submitted to the department by electronic means unless prior written approval is received to submit paper start cards.

(9) A start card expires if construction, alteration, abandonment or conversion of a well does not begin on or before 60 days after submission of the start card. If a start card expires, a new start card and fee must be submitted in compliance with ORS 537.762 and these rules before construction, alteration, abandonment or conversion of the well may occur. If a start card is withdrawn before expiring, the licensed or permitted person that submitted the start card may request that the fee paid for the withdrawn start card be transferred to a new start card.

(10) For good cause shown, start cards may be extended in exigent circumstances one time for up to 30 calendar days with prior department approval. Requests for extension shall be submitted:

(a) In writing on a department approved form prior to expiration of the start card. The form shall include:

(A) The start card number;

(B) A description of the circumstances that warrant extension of the start card;

(C) Date of request;

(D) Driller name and license number;

(E) Owner name and contact information.

(b) Electronically by department approved methods.

(c) For the purposes of this rule, "good cause" means the exigent circumstances are due to circumstances beyond the reasonable control of the requester.

[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 536.090, ORS 536.027, ORS 536.900, ORS 537.505-537.795 & ORS 537.992

Statutes/Other Implemented: ORS 536.090, ORS 536.900, ORS 537.505-537.795 & ORS 537.992

History:

WRD 5-2023, amend filed 06/22/2023, effective 07/01/2023

WRD 3-2008, f. 12-22-08, cert. ef. 1-2-09

690-205-0210

Well Report Required (Water Supply Well Log)

(1) A water well report (water well log) shall be prepared for each water supply well constructed, altered, converted, or abandoned. This requirement includes unsuccessful wells and wells exempt from appropriation permit requirements under ORS 537.545. The log shall be certified as correct by signature of the Water Supply Well Constructor constructing the water supply well. The completed log shall also be certified by the bonded Water Supply Well Constructor responsible for construction of the well. A water well report must be submitted by each bonded constructor (if drilling responsibility is shifted to a different bonded constructor), showing the work performed by each bonded constructor.

(2) Well reports may be submitted electronically by a Department-approved method. Well reports submitted on paper shall be prepared in triplicate on forms furnished or previously approved in writing by the Water Resources Department. The original shall be furnished to the Director, the first copy shall be retained by the Water Supply Well Constructor, and the second copy shall be given to the customer who contracted for the construction of the water supply well.

(3) The bonded Water Supply Well Constructor shall file the certified water well report with the Water Resources Department within 30 days after the completion of the construction, alteration, conversion or abandonment of the water supply well.

(4) The trainee or Water Supply Well Constructor operating the water supply well drilling machine shall maintain a rough log of all geologic strata encountered and all materials used in the construction of the water supply well. This log shall be available for inspection by the well inspector, or other authorized agent of the Water Resources Department at any time before the water well report is received by the Department. The rough drilling log shall be in handwritten or electronic form, or a voice recording.

(5) In the event a constructor leaves any drilling equipment or other tools in a water supply well, this fact shall be entered on the water well report.

(6) A copy of any special authorizations or special standards issued by the Director shall be attached to the water supply well report.

(7) The report of water well construction required in section (1) of this rule shall be submitted electronically by a Department-approved method or recorded on a form provided or previously approved in writing by the Department. The form shall include, as a minimum, the following:

(a) Name and post-office address of the well owner;

- (b) Name and license number, if applicable, of the licensed or permitted person performing the work;
- (c) Name and license number, if applicable, of the licensed or permitted person responsible for the work;
- (d) Name of any person that assisted with the work;
- (e) Started/Completed date;
- (f) Location of the well by county, Township, Range, Section, tax lot number, if assigned, street address, or nearest address, the nearest 1/4, 1/4 section, and Latitude and Longitude as established by a global positioning system (GPS);
- (g) Start card number;
- (h) Well identification label number (well tag number);
- (i) Type of well;
- (j) Use of well;
- (k) Type of work;
- (l) Depth drilled and completed depth;
- (m) Diameter of boreholes;
- (n) Type, size, and amount of casing and where placed in the well;
- (o) Type and amount of seal material used and where placed;
- (p) Number and location of perforations or screens;
- (q) Temperature of the groundwater encountered;
- (r) Thickness of aquifers;
- (s) Total dissolved solids (TDS); and
- (t) Such additional information as required by the Department.

(8) Effective July 1, 2024, well reports shall be submitted to the department by electronic means unless prior written approval is received to submit paper well reports.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.027, ORS 537.992 & ORS 536.900

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 537.992 & ORS 536.900

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WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94

WRD 13-1986, f. 10-7-86, ef. 11-1-86, Renumbered from 690-010-0040

WRD 3-1983, f. & ef. 4-28-83

WRD 3, f. & ef. 2-18-77