

**Enrolled**  
**Senate Bill 179**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Water Resources Department and Office of Regulatory Streamlining)

CHAPTER .....

AN ACT

Relating to fees assessed by the Water Resources Department; amending ORS 536.050 and 537.762.

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

**SECTION 1.** ORS 536.050 is amended to read:

536.050. (1) The Water Resources Department may collect the following fees in advance:

(a) For examining an application for a permit:

(A) To appropriate water, except as provided under ORS 543.280 for an application for a hydroelectric project:

(i) A base fee of \$300;

(ii) \$200 for the first second-foot or fraction thereof;

(iii) \$100 for each additional second-foot or fraction thereof; and

(iv) If appropriating stored water, \$20 for the first acre-foot or fraction thereof up to 10 acre-feet, plus \$1 for each additional acre-foot or fraction thereof.

(B) To store water under ORS 537.400 or 537.534 (4):

(i) A base fee of \$300; and

(ii) \$20 for the first acre-foot or fraction thereof up to 10 acre-feet, plus \$1 for each additional acre-foot or fraction thereof.

(C) To exclusively appropriate stored water:

(i) A base fee of \$150; and

(ii) \$15 for the first acre-foot or fraction thereof up to 10 acre-feet, plus \$1 for each additional acre-foot or fraction thereof.

(b) For recording a permit to appropriate or store water, \$250.

(c) For filing or recording any other water right instrument, \$25 for the first page and \$5 for each additional page.

(d) For copying records in the department, \$2 for the first page and 50 cents for each additional page.

(e) For certifying copies, documents, records or maps, \$10 for each certificate.

(f) For a blueprint copy of any map or drawing, the actual cost of the work.

(g) For a computer-generated map, the actual cost of the work.

(h) For examining an application for approval of a change to an existing water right or permit:

(A) A base fee of \$350;

(B) \$350 for each additional type of change requested; and

(C) For a request for a change in place of use or type of use or for a water exchange under ORS 540.533, \$175 for each second-foot or fraction thereof requested beyond the first second-foot.

(i) For examining an application for a temporary change in place of use under ORS 540.523, for a temporary transfer under ORS 540.585 or for a temporary change in place of use, a change in the point of diversion to allow for the appropriation of ground water or a change of a primary right to a supplemental right under ORS 540.570, a base fee of \$175 and:

(A) For nonirrigation uses, \$75 for each second-foot or fraction thereof requested beyond the first second-foot; or

(B) For irrigation uses, \$1 per acre of land irrigated or, if the application and required map are submitted to the department in a department-approved digital format, 25 cents per acre of land irrigated.

(j) For submitting a protest to the department, \$250.

(k) For filing an application for extension of time within which irrigation or other works shall be completed or a water right perfected, \$250.

(L) For a limited license under ORS 537.143 or 537.534 (2), the fee established by rule by the Water Resources Commission.

(m) For filing, examining and certifying a petition under ORS 541.329, \$250 plus 10 cents per acre of water involved in the application. For purposes of computing this fee, when any acreage within a quarter quarter of a section is involved, the 10 cents per acre shall apply to all acres in that quarter quarter of a section. Notwithstanding the fee amount established in this paragraph, a district notifying the department under ORS 541.327 (4) shall pay the actual cost of filing, examining and certifying the petition.

(n) For requesting standing under ORS 537.153, 537.621 or 543A.120, \$50.

(o) For participating in a contested case proceeding under ORS 537.170, 537.622 or 543A.130, \$200.

(p) Except for an applicant, for obtaining a copy of both a proposed final order and a final order for a water right application under ORS 537.140 to 537.252, 537.505 to 537.795 or 543A.005 to 543A.300, \$10.

(q) For examining an application to store water under ORS 537.409:

(A) A base fee of \$40; and

(B) \$10 for each acre-foot or fraction thereof, not to exceed a total of \$250.

(r) For submitting a notice of intent under ORS 543A.030 or 543A.075, the amount established by the Water Resources Director under ORS 543A.410.

(s) For examining an application for a substitution made under ORS 540.524, \$250.

(t) For examining an application for an allocation of conserved water under ORS 537.455 to 537.500, \$700.

(u) For submitting a water management and conservation plan pursuant to rules of the Water Resources Commission:

(A) \$250, if the plan is submitted by an agricultural water supplier;

(B) \$500, if the plan is submitted by a municipal water supplier serving a population of 1,000 or fewer persons; or

(C) \$1,000, if the plan is submitted by a municipal water supplier serving a population of more than 1,000 persons.

(v) For examining a new application for an in-stream water right lease under ORS 537.348:

(A) \$200 for an application for a lease with four or more landowners or four or more water rights; or

(B) \$100 for all other applications.

(w) For examining an application for an in-stream water right lease renewal, \$50.

(2) Notwithstanding the fees established under subsection (1) of this section, the Water Resources Commission may establish lower examination and permit fees by rule for:

(a) The right to appropriate water for a storage project of five acre-feet or less; or

(b) The right to appropriate water for the purpose of allowing the applicant to water livestock outside of a riparian area, as that term is defined in ORS 541.351.

(3) The Water Resources Director may refund all or part of a fee paid to the department under this section if the director determines that a refund of the fee is appropriate in the interests of fairness to the public or necessary to correct an error of the department.

(4) The director may waive all or part of a fee for a change to a water right permit under ORS 537.211 (4), a change to a water right subject to transfer under ORS 540.520 or 540.523 or an allocation of conserved water under ORS 537.470, if the change or allocation of conserved water is:

- (a) Made pursuant to ORS 537.348;
- (b) Necessary to complete a project funded under ORS 541.375; or
- (c) Approved by the State Department of Fish and Wildlife as a change or allocation of conserved water that will result in a net benefit to fish and wildlife habitat.

**(5) Notwithstanding the fees established pursuant to this section, the commission may adopt by rule reduced fees for persons submitting materials to the department in a digital format approved by the department.**

[(5)] (6) All moneys received under this section, less any amounts refunded under subsection (3) of this section, shall be deposited in the Water Resources Department Water Right Operating Fund.

[(6)] (7) Notwithstanding subsection [(5)] (6) of this section, all fees received by the department for power purposes under ORS 543.280 shall be deposited in the Water Resources Department Hydroelectric Fund established by ORS 536.015.

**SECTION 2.** ORS 537.762 is amended to read:

537.762. (1) Each person required to possess a license under ORS 537.747 who has entered into a contract to construct, alter, abandon or convert a well or cause a well to be constructed, altered, abandoned or converted shall, before beginning work on the well, make a report to the Water Resources Commission containing:

- (a) The name and post-office address of the owner of the well.
- (b) The approximate location of the well.
- (c) The proposed depth and diameter of the well.
- (d) The proposed purpose or use of the ground water from the well.

(2) The commission shall furnish a convenient means for reports referred to in subsection (1) of this section to each person who possesses a license under ORS 537.747.

(3) A separate report shall be furnished under subsection (1) of this section for each well that is constructed, altered, abandoned or converted.

(4) The report furnished under subsection (1) of this section shall be confidential and maintained as such for one year or until the well log required under ORS 537.765 is received by the commission, whichever is earlier. Nothing in this subsection prohibits the commission from using the report for enforcement actions during the period the report is considered confidential.

(5) Each report form submitted under subsection (1) of this section for the construction of a new well, deepening of an existing well, or conversion of a well shall be accompanied by a fee of \$125. **Notwithstanding the fee established pursuant to this subsection, the commission may adopt by rule a reduced fee for persons submitting materials to the Water Resources Department in a digital format approved by the department.**

(6) The moneys paid to the commission under subsection (5) of this section shall be paid into the Water Resources Department Operating Fund. All interest, if any, from moneys received under subsection (5) of this section shall inure to the benefit of the Water Resources Department. Such moneys and interest earned on such moneys are continuously appropriated to the department to be used to pay the costs of the department to employ personnel to inspect wells and well construction.

**Passed by Senate January 27, 2005**

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Secretary of Senate

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President of Senate

**Passed by House May 23, 2005**

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Speaker of House

**Received by Governor:**

.....M,....., 2005

**Approved:**

.....M,....., 2005

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2005

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Secretary of State