

537.885 Licensing or registration required for drilling of geotechnical hole. The person responsible for the drilling of a geotechnical hole for which a report is required under ORS 537.880 must have:

(1) A current monitoring well constructor's license as specified in rules adopted by the Water Resources Commission;

(2) A current water supply well constructor's license as specified in rules adopted by the commission;

(3) A current certificate of registration as a geologist issued under ORS 672.505 to 672.705; or

(4) A current certificate of registration as an engineer issued under ORS 672.002 to 672.325. [2009 c.767 §3]

537.890 Report form; rules; fees. (1) The Water Resources Commission may prescribe by rule the form, contents, filing deadline and other requirements for the report required under ORS 537.880.

(2)(a) Except as provided in paragraph (b) of this subsection, each report required to be submitted under ORS 537.880 must be accompanied by a recording fee of \$25.

(b) If more than one geotechnical hole is drilled within seven days at the same project site, each report for each geotechnical hole drilled after the first geotechnical hole must be accompanied by a recording fee of \$10.

(3) Fees collected under this section shall be deposited to the Water Resources Department Geotechnical Fund. [2009 c.767 §4]

537.895 Water Resources Department Geotechnical Fund. (1) The Water Resources Department Geotechnical Fund is established in the State Treasury, separate and distinct from the General Fund.

(2) The Water Resources Department Geotechnical Fund shall consist of:

(a) Recording fees paid under ORS 537.890; and

(b) All moneys from gifts, grants or appropriations to the fund.

(3) Moneys in the Water Resources Department Geotechnical Fund are continuously appropriated to the Water Resources Department for department duties, functions

and powers related to geotechnical holes. [2009 c.767 §5]

PENALTIES

537.990 Criminal penalties. (1) Violation of ORS 537.130 (2) is a Class B misdemeanor.

(2) Any person who willfully diverts or uses water to the detriment of others without compliance with law shall be punished as provided in subsection (1) of this section. The possession or use of water, except when a right of use is acquired in accordance with law, shall be prima facie evidence of the guilt of the person using it.

(3) Violation of ORS 537.535 (1) or 537.747 is a Class B misdemeanor. [Subsection (3) enacted as 1955 c.708 §36; 1963 c.293 §3; 1981 c.416 §8; 2011 c.597 §225]

537.992 Civil penalties; schedule of penalties; rules. (1) In addition to any other remedy provided by law, the Water Resources Commission may impose a civil penalty against any person who, in the construction of a well, violates any provision of ORS 537.747 to 537.795 and 537.992, or any rule promulgated pursuant thereto. A civil penalty shall be in an amount determined by the commission in accordance with the rules adopted under subsection (2) of this section. However, the commission shall not impose a civil penalty under this section if the commission, by exercising other authority granted under ORS 537.505 to 537.795 and 537.992, causes the person to comply with the provisions of ORS 537.747 to 537.795 and 537.992 or rules adopted thereunder.

(2) The commission shall adopt by rule a schedule of penalties for violation of ORS 537.747 to 537.795 and 537.992, not to exceed \$1,000 for each occurrence defined in the rules as a major violation, and not to exceed \$250 for each occurrence defined in the rules as a minor violation. Under no circumstances may a penalty for a violation of ORS 537.762 or 537.765 exceed \$250.

(3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(4) All amounts recovered under this section shall be deposited in the General Fund. [Formerly 537.792]