

(A) Through clinics, schools, professional organizations or seminars, lectures or other courses of study that relate to the practice of well construction and that are approved by the committee, obtain continuing education credits during each licensing period in an amount designated by the commission, but not to exceed 14 credits; and

(B) Furnish proof on a form approved by the committee that the applicant has complied with the continuing education requirements during the preceding licensing period unless the applicant is exempt under subsection (4) of this section.

(4) The commission may waive the continuing education requirements established by rule pursuant to subsection (2) of this section for a licensed water well constructor if the constructor submits satisfactory evidence of inability to attend continuing education courses because of health, military duty or other circumstances beyond the control of the constructor.

(5) For courses sponsored by the Water Resources Department, the fee for one continuing education credit is \$40, and the total fees per day may not exceed \$250.

(6) The fees collected under this section for continuing education courses sponsored by the department shall be paid into the Water Resources Department Water Right Operating Fund. Notwithstanding ORS 536.009, such moneys shall be used to pay the department's expenses associated with conducting continuing education courses.

(7) At the time of application to renew a water well constructor's license pursuant to ORS 537.747 (5), a person shall provide the department with evidence of compliance with the continuing education requirements established pursuant to this section. [2001 c.496 §4; 2007 c.221 §2]

**Sec. 7.** Sections 2 and 4, chapter 496, Oregon Laws 2001, are repealed January 2, 2022. [2001 c.496 §7; 2007 c.221 §3; 2014 c.57 §1]

### (Local Regulation)

**537.769 Local regulation of wells and water well constructors.** The Legislative Assembly finds that ground water protection is a matter of statewide concern. No ordinance, order or regulation shall be adopted by a local government to regulate the inspection of wells, construction of wells or water well constructors subject to regulation by the Water Resources Commission or the Water Resources Department under ORS 537.747 to 537.795 and 537.992. [1989 c.129 §3]

**537.770** [1955 c.708 §30; 1957 c.341 §9; repealed by 1961 c.334 §12]

### (Regulation of Ground Water Wells)

**537.772 Pump tests; report; rules for waiver.** (1) The owner or operator of any well, except wells used for purposes listed in ORS 537.545, shall conduct a pump test at least once every 10 years and report the results of that test to the Water Resources Commission. The owner or operator may conduct the test in conjunction with normal pump service and testing or at any time more convenient to the owner or operator of the well.

(2) The owner or operator shall report the results of the pump test on a form pro-

vided by the commission. The form shall include but need not be limited to the duration of the test, rate of pumping, total water level decrease and time required for 90 percent recovery of water level.

(3) The commission may establish by rule criteria for waiver of the pump test requirement. [1987 c.649 §5]

### **537.775 Wasteful or defective wells; permanent abandonment of old well.**

(1) Whenever the Water Resources Commission finds that any well, including any well exempt under ORS 537.545, is by the nature of its construction, operation or otherwise causing wasteful use of ground water, is unduly interfering with other wells or surface water supply, is a threat to health, is polluting ground water or surface water supplies, is causing substantial alteration of ground water temperatures or is causing substantial thermal interference with other wells contrary to ORS 537.505 to 537.795 and 537.992, the commission may order discontinuance of the use of the well, impose conditions upon the use of such well to such extent as may be necessary to remedy the defect or order permanent abandonment of the well according to specifications of the commission.

(2) In the absence of a determination of a critical ground water area, any order issued under this section imposing conditions upon interfering wells shall provide to each party all water to which the party is entitled, in accordance with the date of priority of the water right.

(3) A landowner who replaces an old well by drilling a new well shall permanently abandon the old well if the old well is within a setback as defined in well construction rules adopted by the commission. Permanent abandonment of a well located within a setback shall occur within one year after the function of the well is replaced or within one year after the water right, if applicable, is transferred to the new well, whichever is later. [1955 c.708 §25; 1981 c.919 §2; 1985 c.673 §71; 1987 c.442 §2; 1989 c.201 §6; 1989 c.833 §59; 1993 c.774 §12]

### **537.777 Regulation of controlling works of wells and distribution of ground water.**

(1) The Water Resources Commission shall regulate or cause to be regulated the controlling works of wells and distribute ground water to secure compliance or equal and fair distribution if the commission finds that:

(a) Any person or public agency is using or attempting to use any ground water or is operating or permitting the operation of any well owned or controlled by such person or public agency except upon compliance with ORS 537.505 to 537.795 and 537.992 and any applicable order or rule of the commission under ORS 537.505 to 537.795 and 537.992; or