

Tammy Bennett

From: jillaine poverud <jillaine_h@hotmail.com>
Sent: Monday, February 6, 2023 1:30 PM
To: City Government
Subject: Letter for Tonight's Meeting

February 6, 2023

Stayton City Council Members
362 N. Third Avenue
Stayton, OR 97383

Dear Mayor Quigley and Council Members,

We ask you to urgently write a letter to the relevant Oregon House and Senate committees (details below) and request a committee hearing for HB 2667 and SB 399 in the next month of the 2023 legislative season.

Our community has a unique window to call on the Oregon legislature to protect us from the chicken factories moving in and ask them to pass a moratorium now.

- **House Bill 2667** creates a moratorium on all new mega size Tier-2 CAFOs until the legislature decides on a map forward for industrial farming in our state.

Please let the committee know how detrimental such large-scale, industrial farming would be to the health of the young and elderly of Stayton, road traffic, and property values.

Below are the house members who are on the **House Agriculture, Land use, Natural Resources and Water Committee**. Please ask them to support HB 2667:

- Rep. Ken Helm: Rep.KenHelm@oregonlegislature.gov
- Rep. Annessa Hartman: Rep.AnnessaHartman@oregonlegislature.gov
- Rep Mark Owens: Rep.MarkOwens@oregonlegislature.gov
- Repr Mark Gamba: Rep.MarkGamba@oregonlegislature.gov
- Rep Bobby Levy: Rep.BobbyLevy@oregonlegislature.gov
- Rep Pam Marsh: Rep.PamMarsh@oregonlegislature.gov
- Rep Susan McLain: Rep.SusanMcLain@oregonlegislature.gov
- Rep Anna Scharf: Rep.AnnaScharf@oregonlegislature.gov

Please copy Ed Diehl, our local House Representative, on these communications: Rep.EdDiehl@oregonlegislature.gov.

Sincerely,

Jillaine Poverud
39108 Lazy D Rd. Scio, OR, 503-881-3252

From: Wendy Mack <bl41340@yahoo.com>
Sent: Monday, February 6, 2023 1:42 PM
To: City Government
Subject: HB2667 SB

February 6, 2023

Stayton City Council Members
362 N. Third Avenue
Stayton, OR 97383

Dear Mayor Quigley and Council Members,

We ask you to urgently write a letter to the relevant Oregon House and Senate committees (details below) and request a committee hearing for HB 2667 and SB 399 in the next month of the 2023 legislative season.

Our community has a unique window to call on the Oregon legislature to protect us from the chicken factories moving in and ask them to pass a moratorium now.

- **House Bill 2667** creates a moratorium on all new mega size Tier-2 CAFOs until the legislature decides on a map forward for industrial farming in our state.

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- Rep. Annessa Hartman: Rep.AnnessaHartman@oregonlegislature.gov
- Rep Mark Owens: Rep.MarkOwens@oregonlegislature.gov
- Repr Mark Gamba: Rep.MarkGamba@oregonlegislature.gov
- Rep Bobby Levy: Rep.BobbyLevy@oregonlegislature.gov
- Rep Pam Marsh: Rep.PamMarsh@oregonlegislature.gov
- Rep Susan McLain: Rep.SusanMcLain@oregonlegislature.gov
- Rep Anna Scharf: Rep.AnnaScharf@oregonlegislature.gov

Please copy Ed Diehl, our local House Representative, on these communications: Rep.EdDiehl@oregonlegislature.gov.

Attached is the letter Aumsville City Council issued Governor Brown in June 2022 you can use as a model to press our concerns.

Yours faithfully,

Wendy Williams
43510 Camp Morrison Dr.
Scio Oregon 97374
503. 559.3239

- Letter from Aumsville City Council to Governor Brown, June 2022
- House Bill 2667 draft

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[HB 2667.pdf](#)

[27.5kB](#)

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[june.13.2022_Aumsville City Council to Governor Brown.pdf](#)

Tammy Bennett

From: Susan Saphone <susansaphone2@yahoo.com>
Sent: Monday, February 6, 2023 1:47 PM
To: City Government
Subject: HB 2667/SB 399

To the City Council of Stayton:

Please support HB 2667 and SB 399 by writing to the Oregon legislature.

There must be a moratorium on all new CAFO's until the legislature decides on a map forward for industrial-scale farming in Oregon.

Industrial-scale projects are damaging to the environment and to communities. Let's use the best science to move forward.

Thank you,
Susan Haywood

Tammy Bennett

From: beth@esbartlett.com
Sent: Monday, February 6, 2023 1:25 PM
To: City Government
Subject: Support for HB2667
Attachments: HB 2667.pdf; june.13.2022_Aumsville City Council to Governor Brown.pdf

February 6, 2023

Stayton City Council Members
362 N. Third Avenue
Stayton, OR 97383

Dear Mayor Quigley and Council Members,

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Our community has a unique window to call on the Oregon legislature to protect us from the chicken factories moving in and ask them to pass a moratorium now.

- **House Bill 2667** creates a moratorium on all new mega size Tier-2 CAFOs until the legislature decides on a map forward for industrial farming in our state.

Please let the committee know how detrimental such large-scale, industrial farming would be to the health of the young and elderly of Stayton, road traffic, air and water quality and property values.

Below are the house members who are on the **House Agriculture, Land use, Natural Resources and Water Committee**. Please ask them to support HB 2667:

- Rep. Ken Helm: Rep.KenHelm@oregonlegislature.gov
- Rep. Annessa Hartman: Rep.AnnessaHartman@oregonlegislature.gov
- Rep Mark Owens: Rep.MarkOwens@oregonlegislature.gov
- Repr Mark Gamba: Rep.MarkGamba@oregonlegislature.gov
- Rep Bobby Levy: Rep.BobbyLevy@oregonlegislature.gov
- Rep Pam Marsh: Rep.PamMarsh@oregonlegislature.gov
- Rep Susan McLain: Rep.SusanMcLain@oregonlegislature.gov
- Rep Anna Scharf: Rep.AnnaScharf@oregonlegislature.gov

Please copy Ed Diehl, our local House Representative, on these communications: Rep.EdDiehl@oregonlegislature.gov.

Attached is the letter Aumsville City Council issued Governor Brown in June 2022 you can use as a model to press our concerns.

Yours faithfully,

Paul and Beth Bartlett
44425 Thomas Creek Drive
Scio, OR 97374
650-400-0073

- Letter from Aumsville City Council to Governor Brown, June 2022
- House Bill 2667 draft

Tammy Bennett

From: R Roaninn <roaninn@gmail.com>
Sent: Monday, February 6, 2023 2:08 PM
To: City Government
Subject: Fwd: Help Needed at Stayton City Council Meeting TONIGHT!
Attachments: HB 2667.pdf; june.13.2022_Aumsville City Council to Governor Brown.pdf

February 6, 2023

Stayton City Council Members
362 N. Third Avenue
Stayton, OR 97383

Dear Mayor Quigley and Council Members,

We ask you to urgently write a letter to the relevant Oregon House and Senate committees (details below) and request a committee hearing for HB 2667 and SB 399 in the next month of the 2023 legislative season.

Our community has a unique window to call on the Oregon legislature to protect us from the chicken factories moving in and ask them to pass a moratorium now.

- **House Bill 2667** creates a moratorium on all new mega size Tier-2 CAFOs until the legislature decides on a map forward for industrial farming in our state.

Please let the committee know how detrimental such large-scale, industrial farming would be to the health of the young and elderly of Stayton, road traffic, and property values.

Below are the house members who are on the **House Agriculture, Land use, Natural Resources and Water Committee**. Please ask them to support HB 2667:

- Rep. Ken Helm: Rep.KenHelm@oregonlegislature.gov
- Rep. Annessa Hartman: Rep.AnnessaHartman@oregonlegislature.gov
- Rep Mark Owens: Rep.MarkOwens@oregonlegislature.gov
- Repr Mark Gamba: Rep.MarkGamba@oregonlegislature.gov
- Rep Bobby Levy: Rep.BobbyLevy@oregonlegislature.gov
- Rep Pam Marsh: Rep.PamMarsh@oregonlegislature.gov
- Rep Susan McLain: Rep.SusanMcLain@oregonlegislature.gov
- Rep Anna Scharf: Rep.AnnaScharf@oregonlegislature.gov

Please copy Ed Diehl, our local House Representative, on these communications:
Rep.EdDiehl@oregonlegislature.gov.

Attached is the letter Aumsville City Council issued Governor Brown in June 2022 you can use as a model to press our concerns.

Yours faithfully,

R. Roaninn

7230 3rd St. SE

Turner, OR 97392

- Letter from Aumsville City Council to Governor Brown, June 2022
- House Bill 2667 draft

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*Dance, Drum, Sing, Walk, Live, Love
and Breathe Cruelty-Free in Mindfulness*

- Auteur Anonyme -

Tammy Bennett

From: Daniel Stuckart <dan@proline88.com>
Sent: Monday, February 6, 2023 2:58 PM
To: City Government
Subject: Industrial chicken operations

The proposed facilities, which will each house between 3.4 and 6.5 million birds per year, will have a profound negative economic, social, and environmental impact on the region. There are multiple direct impacts on Mid-Valley COG members, Oregon Cascades West COG members, and other regional partners including:

- The City of Aumsville
 - The City of Salem
 - The City of Scio
 - The City of Stayton
 - The City of Sublimity
 - Marion Soil and Water Conservation District ● Aumsville Rural Fire District ● Marion and Linn Counties ● The Confederated Tribes of the Grand Ronde
- These are my main concerns:
1. These factory operations appear to be taking advantage of Oregon's overly permissive stock watering exemptions that were not intended for this scale of commercial operation.
 2. The scale of these factory operations will damage regional recreation, tourism and promotion in Aumsville, Stayton, and Scio (i.e., Aumsville Corn Festival, City of 6 Bridges or Summer on the Santiam).
 3. These industrial animal operations will constantly degrade air quality in and around Aumsville, Stayton, and Scio in a manner inconsistent with traditional farming, including large scale ag.
 4. A pipe that provides water for the City of Salem runs under the Aumsville site.
 5. Oregon's exemption for ammonia discharge means these sites – all of which sit in high water table areas – will have negative impacts on the Santiam River and its tributaries. All three sites are adjacent to or nearby irrigation systems, rivers or creeks that feed into the Willamette.
 6. One of the sites would affect Wiseman Island, a unique lamprey and cutthroat spawning ground on the Santiam, mostly owned by ODFW and Marion County.

Daniel Stuckart
208-697-7862

Robert & Kay Pendleton
418 E. Jefferson Street
Stayton, OR 97383

February 6, 2023

Stayton City Council Members
362 N. Third Avenue
Stayton, OR 97383

Dear Mayor Quigley and Council Members,

We ask you to urgently write a letter to the relevant Oregon House and Senate committees (details below) and request a committee hearing for HB 2667 and SB 399 in the next month of the 2023 legislative season.

Our community has a unique window to call on the Oregon legislature to protect us from the chicken factories moving in.

- **House Bill 2667** creates a moratorium on all new mega-sized Tier-2 CAFOs until the legislature decides on a map forward for industrial farming in our state.
- **Senate Bill 399** closes the livestock watering loophole that allows for the chicken operations to withdraw our local groundwater without a limit.

These bills need to go to committee now in order to proceed to vote. Please let the committees know how detrimental such large-scale, industrial farming would be to the health of the young and elderly of Stayton, road traffic, and property values.

Below are the house members who are on the **House Agriculture, Land use, Natural Resources and Water Committee**. Please ask them to support HB 2667:

- Rep. Ken Helm: Rep.KenHelm@oregonlegislature.gov
- Rep. Annessa Hartman: Rep.AnnessaHartman@oregonlegislature.gov
- Rep Mark Owens: Rep.MarkOwens@oregonlegislature.gov
- Repr Mark Gamba: Rep.MarkGamba@oregonlegislature.gov
- Rep Bobby Levy: Rep.BobbyLevy@oregonlegislature.gov
- Rep Pam Marsh: Rep.PamMarsh@oregonlegislature.gov
- Rep Susan McLain: Rep.SusanMcLain@oregonlegislature.gov
- Rep Anna Scharf: Rep.AnnaScharf@oregonlegislature.gov

Please also send a note to these senators who are on the **Senate Natural Resource Committee** and ask them to support SB 399:

- Senator Jeff Golden: Sen.JeffGolden@oregonlegislature.gov

- Senator Fred Girod: Sen.Fred.Girod@oregonlegislature.gov
- Senator Floyd Prozanski: Sen.FloydProzanski@oregonlegislature.gov
- Senator Kathleen Taylor: Sen.KathleenTaylor@oregonlegislature.gov

Please copy Ed Diehl, our local House Representative, on these communications:
Rep.EdDiehl@oregonlegislature.gov.

Attached is the letter Aumsville City Council issued Governor Brown in June 2022 you can use as a model to press our concerns.

Your faithfully,

Robert & Kay Pendleton

Attachments:

- Letter from Aumsville City Council to Governor Brown, June 2022
- House Bill 2667 draft
- Senate Bill 399 draft

House Bill 2667

Sponsored by Representative HUDSON, Senators DEMBROW, GOLDEN; Representatives GAMBA, NOSSE, PHAM K, Senators CAMPOS, GELSER BLOUIN (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits Department of Environmental Quality and State Department of Agriculture from issuing or renewing license or permit to allow construction or operation of new industrial confined animal feeding operation, addition to or expansion of existing industrial confined animal feeding operation or addition to or expansion of livestock farm that would cause livestock farm to become industrial confined animal feeding operation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to confined animal feeding operations; and declaring an emergency.

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

4 **SECTION 1. (1) The Legislative Assembly finds that it is in the best interest of**
5 **Oregonians to prohibit the proliferation of industrial confined animal feeding operations until**
6 **the impacts of industrial confined animal feeding operations, including impacts to air quality,**
7 **climate, water quality, water supplies, small- and medium-sized livestock farms, community**
8 **and worker health and animal welfare, have been adequately studied and addressed through**
9 **laws and rules.**

10 **(2) The Department of Environmental Quality and the State Department of Agriculture**
11 **may not issue or renew a license or permit to allow the construction or operation of:**

12 **(a) A new industrial confined animal feeding operation;**

13 **(b) An addition to, or expansion of, an existing industrial confined animal feeding opera-**
14 **tion; or**

15 **(c) An addition to, or expansion of, an existing livestock farm if the addition or expansion**
16 **would cause the livestock farm to become an industrial confined animal feeding operation.**

17 **(3) As used in this section, "industrial confined animal feeding operation" means a con-**
18 **finned animal feeding operation, as defined in rule by the Department of Environmental**
19 **Quality or the State Department of Agriculture pursuant to ORS 468B.050, that has at least:**

20 **(a) 2,500 mature dairy cows;**

21 **(b) 3,500 veal calves;**

22 **(c) 3,500 cattle;**

23 **(d) 8,000 swine that exceed 55 pounds in weight;**

24 **(e) 30,000 swine that are 55 pounds or less in weight;**

25 **(f) 1,500 horses;**

26 **(g) 40,000 sheep or lambs, or a combination thereof;**

27 **(h) 200,000 turkeys;**

28 **(i) 125,000 chickens of any type, if using a wet waste treatment works;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 **(j) 300,000 laying hens, if using a dry waste treatment works;**
- 2 **(k) 350,000 broiler chickens, if using a dry waste treatment works;**
- 3 **(L) 125,000 ducks, if using a dry waste treatment works; or**
- 4 **(m) 20,000 ducks, if using a wet waste treatment works.**

5 **SECTION 2.** **This 2023 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
7 **on its passage.**

8



595 Main St. Aumsville, Oregon 97325
(503) 749-2030 • TTY 711 • Fax (503) 749-1852
www.aumsville.us

Dear Governor Brown,

Aumsville City Council is writing this letter to express our urgent concerns about the potential impacts of three industrial poultry operations that are currently in the planning and permitting process in Marion and Linn counties near Aumsville, Stayton, and Scio.

The proposed facilities, which will each house between 3.4 and 6.5 million birds per year, will have a profound negative economic, social, and environmental impact on the region. There are multiple direct impacts on Mid-Valley COG members, Oregon Cascades West COG members, and other regional partners including:

- The City of Aumsville
- The City of Salem
- The City of Scio
- The City of Stayton
- The City of Sublimity
- Marion Soil and Water Conservation District
- Aumsville Rural Fire District
- Marion and Linn Counties
- The Confederated Tribes of the Grand Ronde

These are our main concerns:

1. These factory operations appear to be taking advantage of Oregon's overly permissive stock watering exemptions that were not intended for this scale of commercial operation.
2. The scale of these factory operations will damage regional recreation, tourism and promotion in Aumsville, Stayton, and Scio (i.e., Aumsville Corn Festival, City of 6 Bridges or Summer on the Santiam).
3. These industrial animal operations will constantly degrade air quality in and around Aumsville, Stayton, and Scio in a manner inconsistent with traditional farming, including large scale ag.
4. A pipe that provides water for the City of Salem runs under the Aumsville site.
5. Oregon's exemption for ammonia discharge means these sites – all of which sit in high water table areas – will have negative impacts on the Santiam River and its tributaries. All three sites are adjacent to or nearby irrigation systems, rivers or creeks that feed into the Willamette.
6. One of the sites would affect Wiseman Island, a unique lamprey and cutthroat spawning ground on the Santiam, mostly owned by ODFW and Marion County.

Aumsville City Council hopes that you will direct your agencies to take whatever actions are available to them to prevent these facilities from going forward, and to review Oregon laws and policies that permit these kinds of operations in the Willamette Valley.

Sincerely,

Derek Clevenger, Mayor

on Behalf of the Aumsville City Council

Senate Bill 399

Sponsored by Senator DEMBROW (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Imposes limit on exempt use of water for livestock.
Requires person that uses water under livestock exemption to submit notice of use to Water Resources Department, measure use and report measurement.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to exempt water uses; creating new provisions; amending ORS 537.141 and 537.545; and
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 537.141 is amended to read:

6 537.141. (1) The following water uses do not require an application under ORS 537.130 or
7 537.615, a water right permit under ORS 537.211 or a water right certificate under ORS 537.250:

8 (a) Emergency fire-fighting uses;

9 (b) Nonemergency fire-fighting training, provided:

10 (A) The source of the water is existing storage and the use occurs with permission of the owner
11 of the stored water; or

12 (B) If the source of water is other than existing storage, the use occurs with the prior written
13 approval of the watermaster in the district where the training will take place and subject to any
14 conditions the watermaster determines are necessary to prevent injury to existing water rights and
15 to protect in-stream resources;

16 (c) Water uses that divert water to water tanks or troughs from a reservoir for a use allowed
17 under an existing water right permit or certificate for the reservoir;

18 (d) Fish screens, fishways and fish by-pass structures, as exempted by rule of the Water Re-
19 sources Commission;

20 (e) Land management practices intended to save soil and improve water quality by temporarily
21 impeding or changing the natural flow of diffuse surface water across agricultural lands when stor-
22 age of public waters is not an intended purpose. Such practices include but are not limited to:

23 (A) Terraces;

24 (B) Dikes;

25 (C) Retention dams and other temporary impoundments; and

26 (D) Agronomic practices designed to improve water quality and control surface runoff to prevent
27 erosion, such as ripping, pitting, rough tillage and cross slope farming;

28 (f) Livestock watering operations that comply with the requirements under subsections (2) and
29 (3) of this section;

30 (g) Forest management activities that require the use of water in conjunction with mixing pes-

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in boldfaced type.

1 ticides as defined in ORS 634.006, or in slash burning;

2 (h) The collection of precipitation water from an artificial impervious surface and the use of
3 such water;

4 (i) Land application of ground water so long as the ground water:

5 (A) Has first been appropriated and used under a permit or certificate issued under ORS 537.625
6 or 537.630 for a water right issued for industrial purposes or a water right authorizing use of water
7 for confined animal feeding purposes;

8 (B) Is reused for irrigation purposes and the period of irrigation is a period during which the
9 reused water has never been discharged to the waters of the state; and

10 (C) Is applied pursuant to a permit issued by the Department of Environmental Quality or the
11 State Department of Agriculture under either ORS 468B.050 to construct and operate a disposal
12 system or ORS 468B.215 to operate a confined animal feeding operation; and

13 (j) Surface mining practices that result in the removal of water from a surface mine subject to
14 an operating permit or reclamation plan approved by the State Department of Geology and Mineral
15 Industries, unless the water is used for a subsequent beneficial use.

16 (2) The use of surface water for livestock watering may be exempted under subsection (1) of this
17 section if:

18 (a) The water is diverted from a stream or other surface water source to a trough or tank
19 through an enclosed water delivery system;

20 (b) The delivery system either is equipped with an automatic shutoff or flow control mechanism
21 or includes a means for returning water to the surface water source through an enclosed delivery
22 system; *and*

23 (c) The operation is located on land from which the livestock would otherwise have legal access
24 to both the use and source of the surface water source; and

25 **(d) The amount of use does not exceed 5,000 gallons per day.**

26 (3) If the diversion system described in subsection (2) of this section is located within or above
27 a scenic waterway, the amount of water that may be used without a water right is limited to one-
28 tenth of one cubic foot per second per 1,000 head of livestock. Nothing in this section shall prevent
29 the Water Resources Commission from approving an application for a water right permit for a de-
30 livery system not qualifying under subsection (2) of this section.

31 (4) The Water Resources Department, in conjunction with local soil and water conservation
32 districts, the Oregon State University Extension Service, the State Department of Agriculture and
33 the State Department of Fish and Wildlife and any other organization interested in participating,
34 shall develop and implement a voluntary educational program on livestock management techniques
35 designed to keep livestock away from streams and riparian areas.

36 (5) To qualify for an exempt use under subsection (1)(g) of this section, the user shall:

37 (a) Submit notice of the proposed use, including the identification of the proposed water source,
38 to the Water Resources Department and to the State Department of Fish and Wildlife at the time
39 notice is provided to other affected agencies pursuant to ORS 527.670; and

40 (b) Comply with any restrictions imposed by the department pertaining to sources of water that
41 may not be used in conjunction with the proposed activity.

42 (6) Except for the use of water under subsection (1)(i) of this section, the Water Resources
43 Commission by rule may require any person or public agency diverting water as described in sub-
44 section (1) of this section to furnish information with regard to such water and the use thereof. For
45 a use of water described in subsection (1)(i) of this section, the Department of Environmental Qual-

1 ity or the State Department of Agriculture shall provide to the Water Resources Department a copy
 2 of the permit issued under ORS 468B.050 or 468B.215 authorizing the land application of ground
 3 water for reuse. The permit shall provide the information regarding the place of use of such water
 4 and the nature of the beneficial reuse.

5 **SECTION 2.** ORS 537.545 is amended to read:

6 537.545. (1) [No] A registration, certificate of registration, application for a permit, permit, cer-
 7 tificate of completion or ground water right certificate under ORS 537.505 to 537.795 and 537.992 is
 8 **not** required for the use of ground water for:

9 (a) Stockwatering purposes, **unless the use exceeds 5,000 gallons per day;**

10 (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area;

11 (c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located
 12 within a critical ground water area established pursuant to ORS 537.730 to 537.740;

13 (d) Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;

14 (e) Down-hole heat exchange purposes;

15 (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons [a]
 16 **per day; or**

17 (g) Land application, so long as the ground water:

18 (A) Has first been appropriated and used under a permit or certificate issued under ORS 537.625
 19 or 537.630 for a water right issued for industrial purposes or a water right authorizing use of water
 20 for confined animal feeding purposes;

21 (B) Is reused for irrigation purposes and the period of irrigation is a period during which the
 22 reused water has never been discharged to the waters of the state; and

23 (C) Is applied pursuant to a permit issued by the Department of Environmental Quality or the
 24 State Department of Agriculture under either ORS 468B.050 to construct and operate a disposal
 25 system or ORS 468B.215 to operate a confined animal feeding operation.

26 (2) A ground water use for a purpose that is exempt under subsection (1) of this section, to the
 27 extent that the use is beneficial, constitutes a right to appropriate ground water equal to that es-
 28 tablished by a ground water right certificate issued under ORS 537.700.

29 (3) Except for the use of water under subsection (1)(g) of this section, the Water Resources
 30 Commission by rule may require any person or public agency using ground water for any such
 31 purpose to furnish information with regard to such ground water and the use thereof. For a use of
 32 water described in subsection (1)(g) of this section, the Department of Environmental Quality or the
 33 State Department of Agriculture shall provide to the Water Resources Department a copy of the
 34 permit issued under ORS 468B.050 or 468B.215 authorizing the land application of ground water for
 35 reuse. The permit shall provide the information regarding the place of use of such water and the
 36 nature of the beneficial reuse.

37 (4) If it is necessary for the Water Resources Department to regulate the use or distribution of
 38 ground water, including uses for purposes that are exempt under subsection (1) of this section, the
 39 department shall use as a priority date for the exempt uses the date indicated in the log for the well
 40 filed with the department under ORS 537.765 or other documentation provided by the well owner
 41 showing when water use began.

42 (5) The person licensed under ORS 537.747 or permitted under ORS 537.753 (4) that constructs
 43 a well to allow ground water use for a purpose that is exempt under subsection (1) of this section
 44 shall provide the Water Resources Department with a map showing the exact location of the well
 45 on the tax lot. The person licensed under ORS 537.747 or permitted under ORS 537.753 (4) that

1 constructs a well shall provide a map required by this subsection to the department, along with the
 2 well log required by ORS 537.765, no later than 30 days after the well is completed. The map must
 3 be prepared in accordance with standards established by the department. The map and well log must
 4 be accompanied by the fee described in subsection (6) of this section to record the exempt ground
 5 water use.

6 (6) The Water Resources Department shall collect a fee of \$300 for recording an exempt ground
 7 water use under subsection (5) of this section. Moneys from fees collected under this subsection
 8 shall be deposited to the credit of the Water Resources Department Water Right Operating Fund.
 9 Notwithstanding ORS 536.009, moneys deposited to the fund under this subsection shall be used for
 10 the purposes of evaluating ground water supplies, conducting ground water studies, carrying out
 11 ground water monitoring, processing ground water data and the administration and enforcement of
 12 this subsection and subsections (3), (5) and (7) of this section.

13 (7) The Water Resources Commission shall adopt rules to implement, administer and enforce
 14 subsections (5) and (6) of this section.

15 **SECTION 3.** (1) A person that uses water for livestock under an exemption described in
 16 ORS 537.141 (2) or 537.545 (1)(a) shall:

- 17 (a) Submit notice of the use to the Water Resources Department;
- 18 (b) Measure the use; and
- 19 (c) Report measurement of the use to the department.

20 (2) The Water Resources Commission shall adopt rules to implement this section.

21 **SECTION 4.** Section 3 of this 2023 Act, and the amendments to ORS 537.141 and 537.545
 22 by sections 1 and 2 of this 2023 Act, apply to uses of water on or after the operative date
 23 specified in section 5 of this 2023 Act.

24 **SECTION 5.** (1) Section 3 of this 2023 Act, and the amendments to ORS 537.141 and
 25 537.545 by sections 1 and 2 of this 2023 Act, become operative on January 1, 2024.

26 (2) The Water Resources Commission and the Water Resources Department may take
 27 any action before the operative date specified in subsection (1) of this section that is neces-
 28 sary to enable the commission and the department to exercise, on and after the operative
 29 date specified in subsection (1) of this section, all of the duties, functions and powers con-
 30 ferred on the commission and the department by section 3 of this 2023 Act, and the amend-
 31 ments to ORS 537.141 and 537.545 by sections 1 and 2 of this 2023 Act.

32 **SECTION 6.** This 2023 Act takes effect on the 91st day after the date on which the 2023
 33 regular session of the Eighty-second Legislative Assembly adjourns sine die.