

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF WATER WELL )  
CONTRACTOR'S LICENSE NO. 545 )  
AND DRILLING MACHINE OPERATOR'S )  
LICENSE NO. 344 IN THE NAME OF )  
CHARLES D. CHITWOOD )  
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O R D E R

The above matter having come for hearing under the provisions of ORS 537.747 and ORS 537.756 at 9:30 a.m., on Wednesday, February 2, 1972 before James W. Carver, Jr., Deputy State Engineer, in the Jackson County Courthouse Annex, Conference Room B, Medford, Oregon.

Pursuant to the State Engineer's Notice of Hearing dated January 17, 1972, Mr. Charles D. Chitwood was given opportunity to be heard to show cause why his Water Well Contractor's License No. 545 and his Drilling Machine Operator's License No. 344 should not be suspended or canceled due to violation of the Statutes and Regulations connected with the construction of the Charles Barry domestic water well located in Unit No. 1, Lot No. 7, Judy Subdivision, within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 38 South, Range 2 West, W.M., Jackson County, Oregon as follows:

1. Failure to provide said well with an adequate casing seal in conformance with OAR 119-71-006 through OAR 119-71-010 or OAR 119-71-030.
2. Material misstatement of fact on the water well report.
3. Failure to comply with OAR 119-71-024 or OAR 119-71-042.

Mr. Charles D. Chitwood, the licensee, appeared and represented himself during the proceedings.

The hearing convened at the scheduled time and place. The licensee; Mr. Charles E. Barry, Jr., well owner; Mr. David Hendrix, watermaster of Watermaster District 13; and Mr. William B. McCall, Hydrogeologist, were called as witnesses and testified.

Based upon testimony and evidence made a part of the record, the State Engineer makes and enters the following findings of fact, conclusions, and order.

#### FINDINGS OF FACT

Mr. Charles D. Chitwood under contract with Mr. Charles E. Barry, Jr., did cause to be constructed on October 21, 1971, a well, 180 feet deep and cased with 6-inch diameter, 0.250 wall casing, extending from plus 1 feet to a depth of 22 feet, located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 38 South, Range 2 West, W.M., Jackson County, Oregon for use as a domestic water supply.

Mr. Charles D. Chitwood, as the licensed water well contractor responsible for the construction of said well did submit to the State Engineer on October 26, 1971, a water well report describing the construction of the well. The water well report indicated that the well was constructed on October 21, 1971, by the use of a rotary drilling machine, and that the drillhole of the well was constructed 10 inches in diameter to a depth of 20 feet, 8 inches in diameter to a depth of 22 feet, and 6 inches in diameter to a total depth of 180 feet; that the well was cased with 6-inch diameter, 0.250 wall, well casing, extending from plus 1 feet to a depth of 22 feet; that the annular space of the well between the casing and the drillhole wall was sealed to a depth of 20 feet with three sacks of bentonite; and that the following formations were penetrated during the construction of the well:

Soil - brown	0 to 3 feet
Clay - yellow	3 to 15 feet
Gravel - fine	15 to 20 feet
Basalt - broken	20 to 34 feet
Basalt - gray	34 to 161 feet
Basalt - broken with quartz	161 to 174 feet
Basalt - black	174 to 180 feet

The water well report was signed and certified under date of October 21, 1971 by Charles Chitwood as the responsible water well contractor and drilling machine operator.

submit to the State Engineer, a water well report indicating that the drill-hole of the well was altered to 10 inches in diameter to a depth of 26 feet; that 6-inch diameter, 0.25 wall, well casing was installed from plus 1 feet to a depth of 26 feet; and that the annular space of the well was sealed from land surface to a depth of 26 feet with 4 sacks of bentonite.

An inspection of the subject well was made on November 24, 1971 by State Engineer personnel. During the inspection a hand auger excavation alongside the well casing revealed that materials within the annular space of the well, between the well casing and the drillhole wall, consisted of bentonite with mixed drill cuttings to a depth of 4.2 feet below land surface and an open space, void of sealing material, between a depth of 4.2 feet and 8.1 feet below land surface. The annulus of the well was not excavated below the aforesaid open space. Fluorescein dye introduced into the aforementioned excavation while the well was pumping, appeared in the discharge water from the pump at land surface within 4 minutes of introduction of the dye into the annulus of the well.

A well drilling machine was not present at the well site at the time of inspection.

Between the dates of November 30 and December 1, 1971, Mr. Charles D. Chitwood, as the water well contractor and drilling machine operator responsible for the construction of the subject well, did repair said well by removing the well casing from the well and reaming the drillhole to a diameter of 12 inches to a depth of 39 feet. Six inch diameter, 0.25 wall, well casing was installed in the well from plus 1 feet to a depth of 39 feet and the annulus of the well was filled from said depth to land surface with 21 sacks of cement.

Mr. Charles D. Chitwood, as the water well contractor responsible for the alteration of the subject well, did, on December 7, 1971, submit to the State Engineer a water well report describing the aforementioned alterations of the well.

Mr. Charles D. Chitwood was notified by the office of the State Engineer by letter dated November 2, 1971, that, according to the water well report and the description of materials penetrated, the subject well was not constructed in conformance with Oregon's Well Construction Standards. Said letter informed the licensee that well casing and a casing seal should extend to a depth of at least 39 feet.

Mr. Charles D. Chitwood, did, on November 29, 1971, submit to the State Engineer a second corrected water well report describing the construction of said well. The well report was essentially identical to the water well report submitted on October 26, 1971 with the exception of lithologic descriptions of materials encountered during the construction of the well as follows:

Clay with fine sand and gravel - yellow	15 to 20 feet
Sandstone - gray	20 to 34 feet

The water well report was signed and certified under date of November 24, 1971 by Charles Chitwood as the responsible water well contractor and drilling machine operator.

Testimony and evidence made a part of the record indicates that the major portion of the subject well, constructed on October 21, 1971, was constructed by Mr. Bud Ferris, an unlicensed drilling machine operator and employee of the licensee, without a licensed drilling machine operator present to supervise construction of the well.

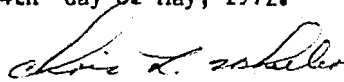
Mr. Charles D. Chitwood, as the water well contractor and drilling machine operator responsible for the construction of the subject well, did, on November 22, 1971, return his drilling machine to the well site and removed the well casing and sealing material from the well. Approximately 4 feet of 6-inch diameter well casing was added to the original casing and the casing was re-installed in the well to a depth of 26 feet.

Mr. Charles D. Chitwood, as the licensed water well contractor responsible for the construction of the subject well, did, on November 29, 1971,

ORDER

NOW, THEREFORE, it is ORDERED that Water Well Contractor's License No. 545 and Drilling Machine Operator's License No. 344 held by Charles D. Chitwood, be suspended for a period of 10 days to be effective during the period of May 22, 1972 through May 31, 1972 inclusive.

Dated at Salem, Oregon this 4th day of May, 1972.



CHRIS L. WHEELER  
State Engineer

## CONCLUSIONS

The licensee, as the water well contractor responsible for the construction of the subject well on October 21, 1971, failed to provide said well with an adequate casing seal in accordance with OAR 119-71-006 through OAR 119-71-010 or OAR 119-71-030.

The licensee, made a material misstatement of fact on water well reports submitted to the State Engineer on October 26 and November 29, 1971, describing the construction of said well, by signing the water well reports as the responsible drilling machine operator and certifying that the well was constructed under his direct supervision as a licensed drilling machine operator.

The licensee willingly and knowingly made a material misstatement of fact on the aforesaid water well reports by certifying, under his signature as the responsible water well contractor, that the report was true to the best of his knowledge and belief, with full knowledge that the drilling machine operator's certification was false.

The licensee as the water well contractor responsible for the construction of the subject well failed to comply with OAR 119-71-024 or OAR 119-71-042.

The licensee, as the water well contractor and drilling machine operator responsible for the repair of the subject well on November 22, 1971, failed to provide said well with an adequate casing seal in conformance with OAR 119-71-006 through OAR 119-71-010 or OAR 119-71-030.

The licensee as the water well contractor responsible for the repair of the subject well on said date failed to comply with OAR 119-71-024 or OAR 119-71-042.

The licensee, in offering his services as a licensed water well contractor and drilling machine operator, should be especially knowledgeable of the requirements of the Ground Water Law and the Standards for Well Construction in the State of Oregon.