

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Benton County

IN THE MATTER OF)
APPLICATION G-7903)
IN THE NAME OF THE)
CITY OF PHILOMATH)

ORDER
Approving
Application

On March 9, 1977, the City of Philomath filed an application, designated in the records of the Water Resources Department as application No. G-7903, for a permit to appropriate 500 gallons per minute of water from two wells (being 250 gallons per minute from each well). Well No. 1 is described in the application as being 12 inch diameter to a depth of 250 feet and located north 80 degrees 23 minutes 42 seconds east 1786 feet from the northwest corner of the David Henderson DLC No. 46. Well No. 2 is described as being 12 inch diameter to a depth of 140 feet and located south 22 degrees 45 minutes east 2690 feet from the David Henderson DLC No. 46.

On July 7, 1977 a Statement of Contest was filed by Louie Baier, Ernest Carlile, Charles Crawford, Roy A. Green, Melvin Hawkins and Elmer Haygood; and on July 18, 1977 an amended Statement of Contest was filed by said parties alleging that the proposed appropriation of water would conflict with existing rights.

On due notice given, the matter was brought to hearing before Chris L. Wheeler, Deputy Director of the Water Resources Department, on December 9, 1977, commencing at 10:00 a.m. in the Council Chambers of the City of Philomath.

The applicants appeared represented by their attorney: S. David Estes and the protestants by their attorney: Roderick L. Johnson. Shortly after calling the hearing to order, it was recessed to facilitate a negotiation of a stipulation between the parties, with the assistance of the hearings officer.

The parties stipulated in open hearing to the essence of the agreement which was reduced to writing, executed and filed with the Director on May 31, 1978. The provisions of the stipulation appear to be in accordance with the provisions of the Ground Water Act; therefore, the application should be approved subject to the provisions of the stipulation.

NOW, THEREFORE, it hereby is ORDERED that application No. G-7903 in the name of the City of Philomath be approved subject to the terms of the stipulation entered into between the parties as follows:

- "A. That the State of Oregon, by and through James E. Sexson, Water Resources Director, shall issue a permit to the City of Philomath to appropriate ground water under application No. G-7903 for Well No. 2 as designated on the map for said application.
- "B. That the State of Oregon, by and through James E. Sexson, Water Resources Director, shall issue a permit to the City of Philomath to appropriate ground water under application No. G-7903 for Well No. 1 as designated on the map for said application subject to the following conditions:
 - "(1) The usual printed terms and conditions for the issuance of such permits.
 - "(2) The City of Philomath shall monitor Well No. 1 and local domestic wells in a reasonable manner calculated to produce adequate well interference data by engineering standards; will collect engineering data pertaining to well interference and will make copies of said data available to the West Hills Water Users Association and its members upon reasonable demand.
 - "(3) The City of Philomath shall enter into a written agreement with every owner of real property with prior vested water rights, within a one thousand six hundred (1,600 ft.) radius of Well No. 1 who elects to do so prior to January 1, 1980. Such agreement shall be in the form attached hereto, marked Exhibit 'A', and by this reference thereto, fully incorporated herein".

Dated at Salem, Oregon this 8th day of June 1978.


JAMES E. SEXSON
Director