

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number G-15802

Final Order Incorporating Settlement Agreement

Hearing and Appeal Rights

This order incorporates an informal disposition and is not appealable, pursuant to ORS 183.417(3).

Findings of Fact

1. On July 23, 2002, Leon and Sandy Bingham submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on January 21, 2003, recommending the application be denied.
2. On March 4, 2003, the Applicant filed a timely protest.
3. On June 10, 2014, the application was assigned to Larry Myers.
4. A Settlement Agreement was signed by all parties as of August 2014. The terms of the Settlement Agreement are incorporated into this Final Order and a copy of the Settlement Agreement is included below.

Conclusions of Law

1. The Protestant and the Department have agreed to permit conditions set forth in the permit.
2. The proposed use would ensure the preservation of the public welfare, safety and health pursuant to ORS 537.621(2).

Order

Application G-15802 is therefore approved with these modifications to the Proposed Final Order and pursuant to the Settlement Agreement, and Permit G-17504 is issued as limited by the conditions set forth therein.

DATED *OCTOBER 7 2015*

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

This document was prepared by Kim French. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

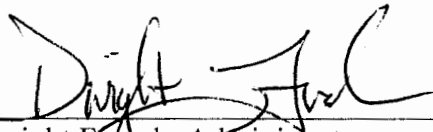
Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

4. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
5. The Applicant shall provide documentary evidence to the Department that MULT 02540 well has been permanently abandoned, pursuant to the applicable standards.
6. Prior to drilling the well, the Applicant must submit a proposed well construction plan prepared by a licensed, bonded well driller to the Department. In addition, the Applicant must provide a map showing the proposed location of the replacement well relative to a recognized public land survey corner. The Department will either confirm the plan meets construction rules or will coordinate with the driller on an acceptable construction plan. The well shall not be drilled until written approval of the construction plan is provided to the Applicant.
7. Based on conditions encountered during the drilling process, the driller will need to coordinate with the Department's Well Construction and Compliance Section to determine the final construction of the well to ensure that it meets construction standards and the intent of the settlement agreement.
8. The Applicant shall provide either GPS coordinates of the original well, MULT 02540, and the replacement well, or a map showing the final location of the replacement well and MULT 02540 well to demonstrate that the replacement well was drilled within 100 feet of MULT 02540.
9. After the replacement well is completed and a well log is submitted to the Department, the Department will determine whether the well construction standards and the intent of the settlement agreement have been met. If they have been met, and all other conditions of this settlement have been satisfied, a permit for use of water from the replacement well will be issued.
10. The Applicant agrees the following conditions will be included in any permit issued for Application G-15802:

The well shall be cased and sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer.


The well shall only produce groundwater from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.
11. Prior to permit issuance, the Applicant shall submit a **\$450.00** permit recording fee to the Department.

11. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.



Dwight French, Administrator
Water Right Services Division
Oregon Water Resources Department

8.7.14
Date



Gordon Sester/Sester Farms, for
Larry Myers, Applicant

8/14/14
Date

RECEIVED BY OWRD
AUG 18 2014
SALEM, OR