Public Health Division

Center for Health Protection, Drinking Water Services

Tina Kotek, Governor

February 19, 2025

Meara McNally Butler
General Manager
Fairsing Vineyard
Sent via email: meara@fairsingvineyard.com

Re: New System and 2006 Well – L72476, YAMH 54506 (PR#151-2023)
Fairsing Vineyard (PWS ID # 95721)
Final Approval

Dear Meara:

Thank you for your email dated February 10, 2025 alerting me to your last correspondence with our office back in April 2024 regarding this plan review. A Conditional Approval letter was issued by Carrie Gentry (OHA-DWS) on April 8, 2024 to which you replied via email on April 11, 2024 with a response detailing how the conditions in the Conditional Approval letter were addressed and a completed waiver request form for the well located within 100-ft of the vineyard.

Due to internal staffing changes within OHA-DWS, I was not aware of your response until your email from February 10, 2025. **Based on your email and the subsequent approval of the submitted waiver request, the project is granted Final Approval, concluding the plan review process**.

Fairsing has been utilizing the well as an Exempt Use well consistent with Oregon Revised Statutes (ORS 537.545) since August 2004. If water use changes or you have questions regarding water rights, Oregon's Water Resources Department regulates water rights and can be reached by contacting Joel Plahn (also cc'd on this letter).

Joel Plahn
District 22 Watermaster
Cell 503-508-2394

The remainder of this letter includes a project description and well evaluation results provided by our geologist, Tom Pattee.

Thank you for your patience in awaiting our response and I truly apologize for the lateness of this approval. If you have any questions, please feel free to call me at 971-200-0288 or e-mail me at evan.e.hofeld@oha.oregon.gov.

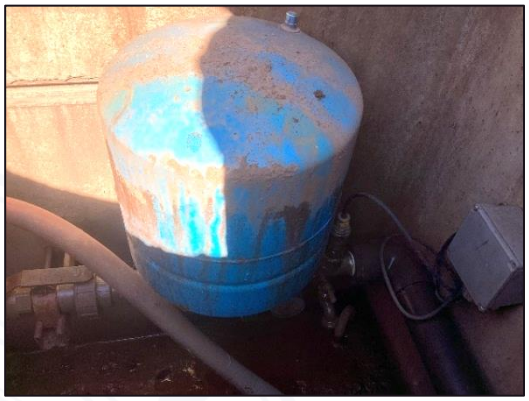
Sincerely,

Evan Hofeld, PE
Oregon Health Authority – Drinking Water Services

cc: Tommy Laird, OWRD – Well Construction Program Coordinator Tommy.K.LAIRD@water.oregon.gov
Joel Plahn, OWRD – Water Master, joel.m.plahn@water.oregon.gov
Sarah Schwab - Oregon Dept of Agriculture Sarah.SCHWAB@oda.oregon.gov
drinkingwater@oda.oregon.gov
Brian Hawkins - Oregon Dept of Agriculture Brian.HAWKINS@oda.oregon.gov

Encl. *Water system Description*
Geologist Well Evaluation Results

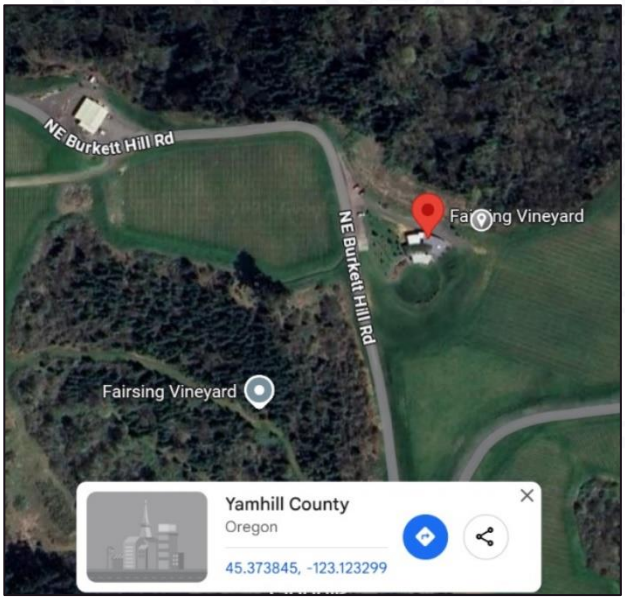
Project Description:

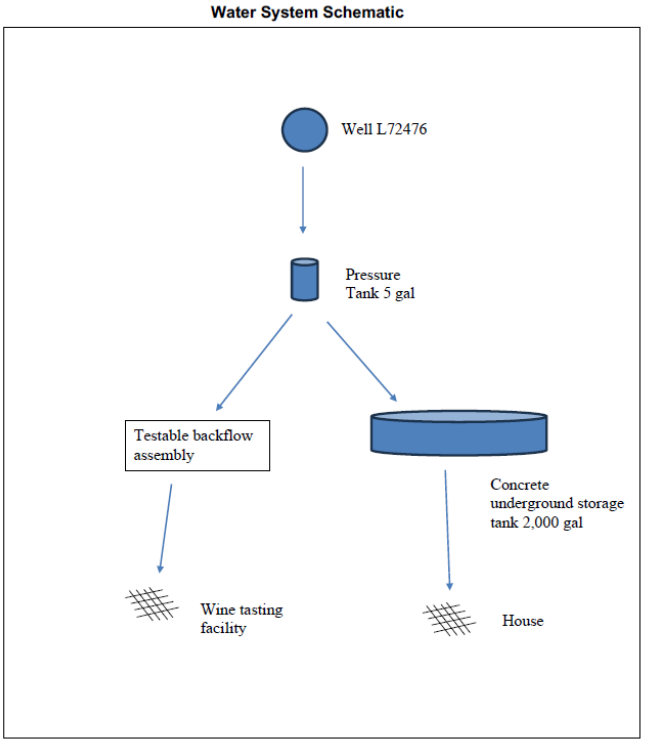


On November 20, 2023, our office received a well log and a plan review fee of $825. Additional site plan details were provided on March 28, 2024. The project included an existing well (well log ID YAMH 54506, well label #L72746), constructed to a depth of 301 feet on June 23, 2006 to serve what was to be a newly regulated transient non-community (TNC) water system in Yamhill County assigned ID# 95721 and activated September 26, 2023.

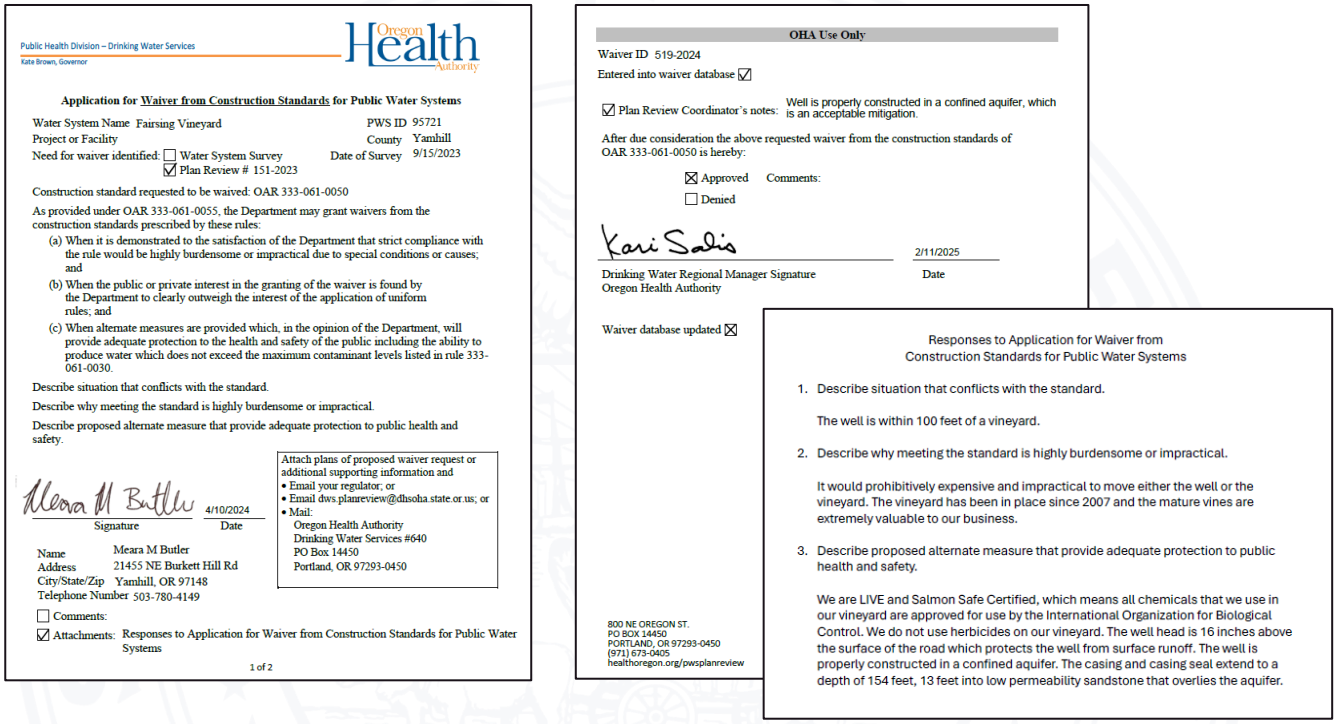
The well, designated SRC-AA, is located in a gravel area that serves as a road and parking lot. Vineyards are located within the 100' radius of the well. The system also has a 2,000-gallon storage tank and 5-gallon pressure tank.

The water system serves a wine tasting room and house located at 20881 NE Laughlin Rd, Yamhill, OR 97148 as shown in the map and water system schematic from the water system survey conducted September 15, 2023 by Brian Hawkins (Oregon Dept. of Agriculture).





As noted, there is a vineyard within the 100' sanitary setback of the well. If chemicals are utilized on the vines, then those could represent a sanitary hazard under our rules. A request for a waiver from construction standards for this setback requirement was requested on April 11, 2024 and approved on February 11, 2025 as shown below.



Public Health Division – Drinking Water Services
Kate Brown, Governor

Oregon Health Authority

Application for Waiver from Construction Standards for Public Water Systems

Water System Name Fairsing Vineyard — PWS ID 95721
Project or Facility — County Yamhill
Need for waiver identified: ☐ Water System Survey — Date of Survey 9/15/2023
☑ Plan Review # 151-2023

Construction standard requested to be waived: OAR 333-061-0050

As provided under OAR 333-061-0055, the Department may grant waivers from the construction standards prescribed by these rules:

(a) When it is demonstrated to the satisfaction of the Department that strict compliance with the rule would be highly burdensome or impractical due to special conditions or causes; and

(b) When the public or private interest in the granting of the waiver is found by the Department to clearly outweigh the interest of the application of uniform rules; and

(c) When alternate measures are provided which, in the opinion of the Department, will provide adequate protection to the health and safety of the public including the ability to produce water which does not exceed the maximum contaminant levels listed in rule 333-061-0030.

Describe situation that conflicts with the standard.

Describe why meeting the standard is highly burdensome or impractical.

Describe proposed alternate measure that provide adequate protection to public health and safety.

Meara M Butler — 4/10/2024
Signature — Date

Attach plans of proposed waiver request or additional supporting information and
• Email your regulator; or
• Email dws.planreview@dhsoha.state.or.us; or
• Mail:
Oregon Health Authority
Drinking Water Services #640
PO Box 14450
Portland, OR 97293-0450

Name Meara M Butler
Address 21455 NE Burkett Hill Rd
City/State/Zip Yamhill, OR 97148
Telephone Number 503-780-4149

☐ Comments:
☑ Attachments: Responses to Application for Waiver from Construction Standards for Public Water Systems

1 of 2

OHA Use Only

Waiver ID 519-2024
Entered into waiver database ☑

☑ Plan Review Coordinator's notes: Well is properly constructed in a confined aquifer, which is an acceptable mitigation.

After due consideration the above requested waiver from the construction standards of OAR 333-061-0050 is hereby:

☒ Approved Comments:
☐ Denied

Kari Sabin — 2/11/2025
Drinking Water Regional Manager Signature — Date
Oregon Health Authority

Waiver database updated ☒

800 NE OREGON ST.
PO BOX 14450
PORTLAND, OR 97293-0450
(971) 673-0405
healthoregon.org/pwsplanreview

Responses to Application for Waiver from
Construction Standards for Public Water Systems

1. Describe situation that conflicts with the standard.

   The well is within 100 feet of a vineyard.

2. Describe why meeting the standard is highly burdensome or impractical.

   It would prohibitively expensive and impractical to move either the well or the vineyard. The vineyard has been in place since 2007 and the mature vines are extremely valuable to our business.

3. Describe proposed alternate measure that provide adequate protection to public health and safety.

   We are LIVE and Salmon Safe Certified, which means all chemicals that we use in our vineyard are approved for use by the International Organization for Biological Control. We do not use herbicides on our vineyard. The well head is 16 inches above the surface of the road which protects the well from surface runoff. The well is properly constructed in a confined aquifer. The casing and casing seal extend to a depth of 154 feet, 13 feet into low permeability sandstone that overlies the aquifer.

Since the well is drilled in a confined aquifer and located near NE Burkett Hill Rd, OAR 333-061-0050(2)(a)(D) applies. This rule allows DWS to waive the setback requirement for a road that is located within 100' of a well. In order to approve this setback issue, information was submitted via email on April 11, 2024 to indicate that the well is adequately protected from spills on the roadway and unauthorized access as follows:

- Regarding the well's proximity to the road: The well head is 16 inches above the surface of the road which protects the well from surface runoff or hazardous liquids which may be spilled on the roadway. The road is also on private property protected by a gate and can only be accessed if approved by the property owners. The well is properly constructed in a confined aquifer. The casing and casing seal extend to a depth of 154 feet, 13 feet into low permeability sandstone that overlies the aquifer.

Geologist Well Evaluation (YAMH 54506):

Tom Pattee, OHA-DWS geologist reviewed the below-ground well log construction details and noted the following:

- The casing and casing seal extend to a depth of 154 feet, 13 feet into low permeability sandstone that overlies the aquifer. A narrow diameter perforated liner, placed in the well, helps keep the borehole open below the casing. Water can enter the well through the uncased portion of the well between 154 and 301 feet below ground.
- The well is designed to draw water from a deep confined fractured sedimentary bedrock aquifer. The first water-bearing zone is reported to occur at a depth of 190 feet and is overlain by 49 feet of low permeability sandstone that acts as a confining layer. Water within the aquifer is under pressure, rising 104 feet above the identified water-bearing zone to a final static water level of 86 feet below ground.
- Results from a sensitivity analysis indicate that the well construction does not contribute to the overall sensitivity of this water source to local land use practices and the aquifer is not highly sensitive to nearby land use practices.