

### Application for Waiver from Construction Standards for Public Water Systems

Revised March 2025

Water System Name: Dayton, City of

PWS ID: OR41 00252

Project or Facility: Fisher Farms Well Improvement

County: Yamhill

Need for waiver identified:  Water System Survey

Date of Survey:

Plan Review # 16-2026 *EH*

Construction standard requested to be waived: OAR 333-061-0050 (2)(a)(E)

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

- (a) When it is demonstrated to the satisfaction of OHA 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 OHA to clearly outweigh the interest of the application of uniform rules; and
- (c) When alternate measures are provided which, in the opinion of OHA, 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.

YAMH 52469 (Well 3) is located approximately 93 feet from tax lot 02300 where the property owners apply herbicides, pesticides, and fungicides. This is within the 100-foot sanitary setback for Well 3 and conflicts with OAR 333-061-0050 by this standard.

Describe why meeting the standard is highly burdensome or impractical.

Meeting this standard would be logistically difficult for the property owner of tax lot 02300 and thereby the City given that they would need to re-program spraying machines. The property owner has made evident that if there's a no tolerance of these chemicals, then they would be unable to provide the City with an easement.

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

The City is requesting a waiver from this setback requirement because Well 3 is completed in a confined aquifer (Attachment C). Confining conditions are evident based on the approximately 102 feet of clay that is present between the ground surface and production zone of Well 3; and the fact that the static water level in Well 3 is about 23 feet below ground surface (bgs) [above the aquifer from 107 to 195 feet bgs (Attachment C.3)].

**EMAIL this form along with plans of proposed waiver request and additional supporting information to your regulator or [dws.planreview@odhsoha.oregon.gov](mailto:dws.planreview@odhsoha.oregon.gov).** If you are unable to send your documents electronically, please contact OHA before mailing them.

|             |   |                 |
|-------------|---|-----------------|
| *Signature: |  | Date: 1/28/2026 |
|-------------|---|-----------------|

\*Use Adobe Acrobat E-sign: <https://helpx.adobe.com/acrobat/using/signing-pdfs.html>

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Name: Matt Kohlbecker GSI Water Solutions Inc.

Address: 650 NE Holladay Street, Suite 900

City/State/Zip: Portland, OR, 97232

Phone Number: 503-877-8086

Email Address: mkohlbecker@gsiws.com

Comments:

Attachments (describe):

Attachment A.1: Site Plan

Attachment C.3: Well 3 As-Built

**OHA Use Only**

Waiver ID: 2026-579

Entered into waiver database

Plan Review Coordinator's notes:

Well is properly constructed in a confined aquifer.

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

Approved      Comments:

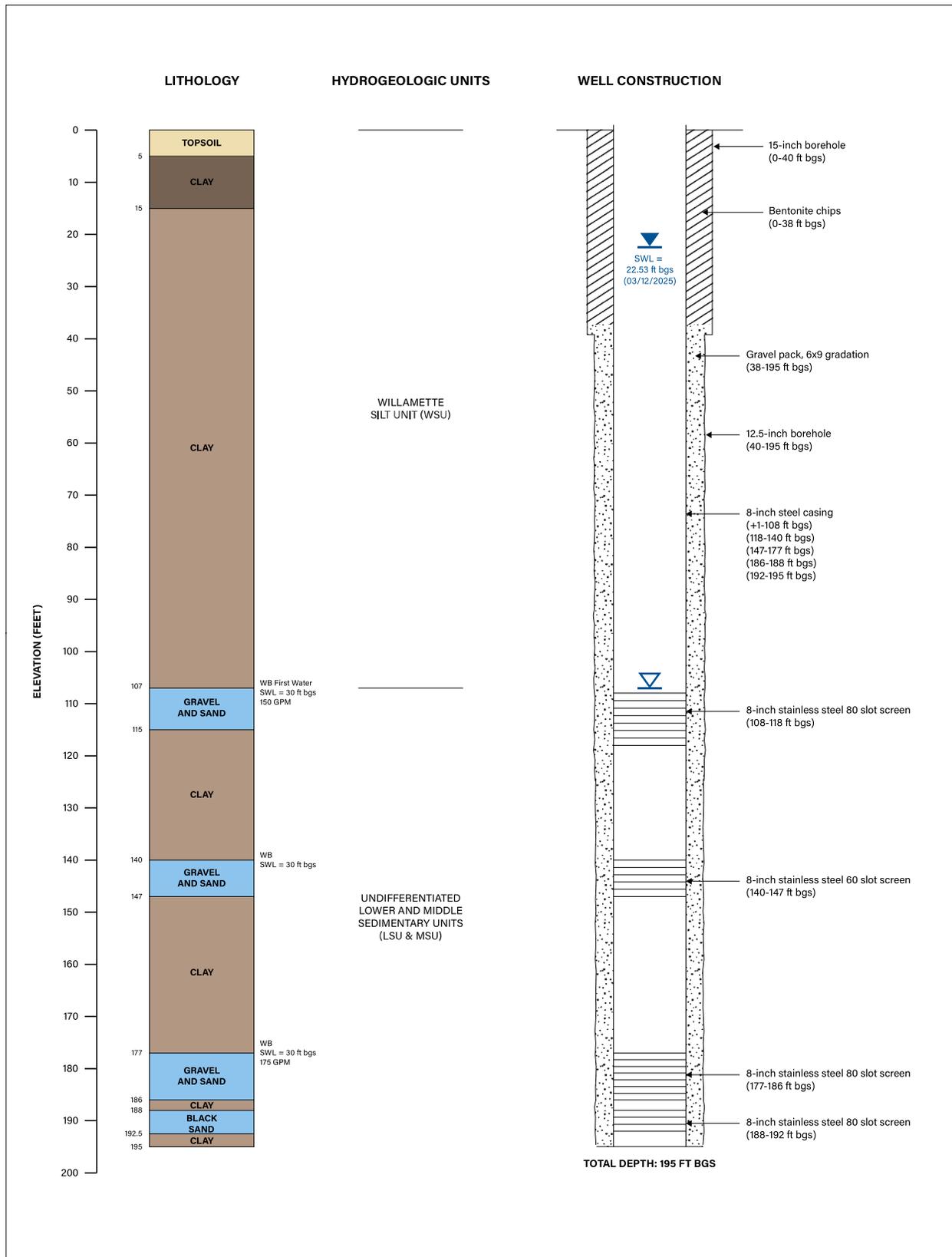
Denied

Technical Services Unit or Regional Manager  
OHA Drinking Water Services

3.5.26

Date

Waiver database updated



**LEGEND**

- Bentonite Chip Seal
- Gravel Pack
- Wire Wrap Screen
- First Water

**NOTES**

Yield (2014) = 133 gpm  
 bgs: below ground surface  
 ft: feet  
 gpm: gallons per minute

**ATTACHMENT C.3**  
**Fisher Farms Well 3 (YAMH 52469)**  
**As-Built Well Diagram**  
 City of Dayton  
 Initial OHA Plan Review

