

BEFORE THE ARKANSAS SOIL AND WATER CONSERVATION COMMISSION

IN THE MATTER OF

CITY OF CENTERTON  
WATER PLAN COMPLIANCE

WPC 000214-001

The Commission on December 7, 2000 heard this matter, and deliberations were conducted on March 15, 2001. Based on the record and briefs and arguments of the parties, the Commission hereby enters this Order.

**Findings of Fact and Conclusions of Law**

1. This is a review of the Referee's Final Determination, Arkansas Water Plan Compliance dated July 7, 2000, conducted under Subtitle V of Title I of the Commission's Rules.
2. The Referee exercised his authority under Commission Rule 604.7 to approve applications for certification in whole or in part. This authority was used to accommodate existing water lines in the project. Specifically, the Referee excepted from Centerton's project: (1) lines south of the Bentonville 12-inch line which crosses North Rainbow Farm Road; (2) lines on Ginn Road south of Bentonville's 12-inch line; and (3) lines on North Vaughn Road (Highway 279) south of a point about 1,200 feet south of its intersection with Huber Road. The exceptions allowed Bentonville to serve customers within 300 feet of its existing lines.

**ORDER**

The Commission hereby modifies the Executive Director's decision in the matter of the Final Determination, Arkansas Water Plan Compliance for the City of Centerton, and approves the original application with the following exceptions and conditions:

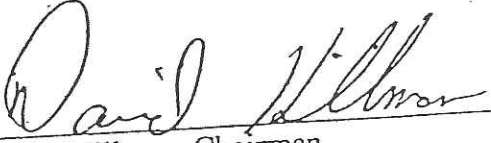
1. The Windsong subdivision, currently receiving service from the City of Bentonville, will continue to be Bentonville's area of responsibility.
2. Any area within Centerton's original application that has as of March 15, 2001, been annexed to the City of Bentonville will be Bentonville's area of responsibility.
3. That water service in the area be provided in a timely manner to all customers wanting it.
4. That the water to service this area shall come from the system referred to as the Two-Ton System. Any variation to use water other than that supplied from the Two-Ton System must have Commission approval.
5. It is further provided that the parties, Centerton and Bentonville, by mutual written agreement and subject to review and approval by the Commission staff, can modify the responsibility to provide service to the area if it is determined between the parties that shared use of the current lines in place would be of economical or other benefit to both parties providing service to the total area.

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6. The conditions above will prevail under any mutual agreement to re-align service responsibility.

It is so ordered this 5<sup>th</sup> day of April 2001.

Arkansas Soil and Water  
Conservation Commission

  
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David Hillman, Chairman