

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment)
T-11015, Malheur County)
)
)
)
)

FINAL ORDER
APPROVING A CHANGE IN POINTS
OF APPROPRIATION AND
ADDITIONAL POINTS OF
APPROPRIATION

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

OREGON MILITARY DEPARTMENT
ATTN JAMES WILLEFORD
PO BOX 14350
SALEM OR 97309-5047

Findings of Fact

Background

1. On February 8, 2010, OREGON MILITARY DEPARTMENT filed an application to change the points of appropriation and for additional points of appropriation under Permit G-16476. The Department assigned the application number T-11015.
2. The permit to be amended is as follows:

Permit: G-16476 in the name of OREGON MILITARY DEPARTMENT
Use: INDUSTRIAL USE (GEO-THERMAL HEATING AND COOLING)
Priority Date: NOVEMBER 13, 2007
Quantity: 2.0 CUBIC FEET PER SECOND
Period of Use: YEAR ROUND
Source: WELL 1 within the SNAKE RIVER BASIN

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	47 E	WM	9	NE SE	WELL 1 (PRODUCTION)'- 15 FEET NORTH AND 255 FEET EAST FROM THE SW CORNER OF THE NE¼ SE¼ OF SECTION 9
18 S	47 E	WM	9	NE SE	WELL 2 (INJECTION) - 340 FEET NORTH AND 255 FEET EAST FROM THE SW CORNER OF NE¼ SE¼ OF SECTION 9

Authorized Place of Use:

INDUSTRIAL USE (GEO-THERMAL HEATING & COOLING)					
Twp	Rng	Mer	Sec	Q-Q	
18 S	47 E	WM	9	NE SE	

3. Permit Amendment Application T-11015 proposes to move the authorized points of appropriation approximately within 100 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	47 E	WM	9	NE SE	WELL L-100201 (PRODUCTION) - 87 FEET NORTH AND 243 FEET EAST FROM THE SW CORNER OF THE NE¼ SE¼ OF SECTION 9
18 S	47 E	WM	9	NE SE	WELL L-100207 (INJECTION) - 412 FEET NORTH AND 185 FEET EAST FROM THE SW CORNER OF THE NE¼ SE¼ OF SECTION 9

4. Permit Amendment Application T-11015 proposes additional points of appropriation approximately within 100 to 200 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	47 E	WM	9	NE SE	WELL L-100204 (PRODUCTION) - 72 FEET NORTH AND 371 FEET EAST FROM THE SW CORNER OF THE NE¼ SE¼ OF SECTION 9
18 S	47 E	WM	9	NE SE	WELL L-100202 (PRODUCTION) - 87 FEET NORTH AND 261 FEET EAST FROM THE SW CORNER OF THE NE¼ SE¼ OF SECTION 9
18 S	47 E	WM	9	NE SE	WELL L-100208 (INJECTION) - 414 FEET NORTH AND 305 FEET EAST FROM THE SW CORNER OF THE NE¼ SE¼ OF SECTION 9
18 S	47 E	WM	9	NE SE	WELL L-100209 (INJECTION) - 401 FEET NORTH AND 453 FEET EAST FROM THE SW CORNER OF THE NE¼ SE¼ OF SECTION 9

5. Notice of the application for the permit amendment was published in the Department's weekly notice on February 16, 2010 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

Permit Amendment Review Criteria

6. The Department’s Ground Water Section has found that Water Right Application G-16959 (Permit G-16476) had proposed production and injection wells which were to be constructed to develop primarily the Quaternary sand and gravel aquifer. Both the application and the November 13, 2007, Request for Approval of a Low Temperature Geothermal Injection Well included proposed construction information and nearby well logs that clearly targeted this shallow sand and gravel aquifer. However, the first production well (L-100201) was constructed to produce from the deeper Glenss Ferry Formation. It is constructed with greater seal depth and total depth than was proposed in the application. The overlying sand and gravel aquifer is cased and sealed off. In some parts of the area, the sand and gravel aquifer and deeper Glenss Ferry aquifer are likely in good hydraulic connection. The Technical Memorandum dated September 8, 2009, by SPF Water Engineering, LLC includes data that demonstrates that the shallow sand and gravel aquifer and the deeper Glenss Ferry aquifer are not locally in good hydraulic connection. Based on the well logs and information in the memorandum advising that production from shallow wells be limited to 50 gpm, the proposed additional two production wells developing the shallow sand and gravel aquifer should be limited to a maximum rate of diversion not of to exceed 0.5 cfs from each well and the maximum rate of diversion for the deep well (L-100201) should be limited to 1.0 cfs.
7. The changes, as conditioned, would not result in injury to other water rights.
8. The changes, as conditioned, will not enlarge the permit.
9. The changes do not alter any other terms of the permit.

Conclusions of Law

The change in points of appropriation and additional points of appropriation proposed by Permit Amendment Application T-11015 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The changes and subsequent use of water shall be subject to the following conditions:

1. The maximum quantity of water diverted at **each** of the new points of appropriation (production wells) from the shallow sand and gravel aquifer, shall not exceed 0.50 cubic foot per second.
2. The maximum quantity of water diverted from the Glenss Ferry aquifer by production well (L-100201) shall not exceed 1.0 cubic foot per second.

3. Prior to water use from the proposed points of appropriation, the permittee shall install a totalizing flow meter(s) or other suitable measuring device(s) as approved by the Director at the proposed production wells. The permittee shall maintain the meter(s) or measuring device(s) in good working order, and shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee shall allow the watermaster access to the meter(s) or measuring device(s); provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

4. All other terms and conditions of Permit G-16476 remain the same.
5. Permit G-16476, in the name of OREGON MILITARY DEPARTMENT, is amended as described herein.

Dated at Salem, Oregon this 18 day of May, 2010.


Phillip E. Ward, Director

Mailing Date: MAY 20 2010