

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13629

GW Reviewer D. Boschmann Date Review Completed: 04/16/2021

Summary of Same Source Review:

The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



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Ground Water Review Form:

- Water Right Transfer
Permit Amendment
GR Modification
Other

Application: T-13629

Applicant Name: CLW Farms LLC

- Proposed Changes: POA, APOA, SW-GW, RA, USE, POU, OTHER

Reviewer(s): Darrick E. Boschmann

Date of Review: 04/16/2021

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 4/16/21

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
Other

1. Basic description of the changes proposed in this transfer: _____

This application is related to permit G-18386 which authorizes groundwater pumping from nine wells:

POD 1 = "Well 1" = not constructed

POD 2 = "Well 2" = not constructed

POD 3 = "Well 3" = not constructed

POD 4 = "Well 4" = HARN 51993

POD 5 = "Well 5" = not constructed *

POD 6 = "Well 6" = not constructed

POD 7 = "Well 7" = not constructed **

POD 8 = "Well 8" = not constructed

POD 9 = "Well 9" = not constructed

This permit is for primary irrigation of 638.5 acres in the Malheur Lake Basin.

The following changes are proposed:

1. Add 5 APOA wells:

"Well 10" = HARN 51066

"Well 11" = HARN 1046

"Well 12" = HARN 52023***

"Well 13" = HARN 51759

"Well 14" = HARN 51903

2. Rearrange the POU for center pivot irrigation.

*Water use was reported for POD 5 ("Well 5") for this permit in 2019 from HARN 51903.

**Water use was reported for POD 7 ("Well 7") for this permit in 2019 from an unknown well.

***The metes and bounds provided in the application and application map are not consistent with the location of proposed "Well 12" depicted on the application map. OSIP imagery from 2017 shows what is likely a well at the location depicted on the application map, and so this location is used for this review.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 Yes No Comments: Available data indicates a predominantly volcanic/tuffaceous sedimentary rock unit occurs beneath a predominantly basin fill sediment unit. Reports for the Malheur Lake Basin indicate groundwater occurs in both the basin fill and underlying rocks. The groundwater is hydraulically connected, making a single groundwater system occurring in different geologic units. Leonard (1970) found that near the edges of the valley there is likely good interconnection between individual water-bearing beds in the valley fill and those in the adjacent and underlying tertiary rocks.

In general, groundwater in the Harney Basin flows from several upland recharge areas to a common discharge area near Malheur and Harney Lakes, with some apparent discharge to the Malheur Basin through one or more areas along the eastern margin. While the rocks and sediments making up the aquifer system in the Harney Basin do constitute a single groundwater flow system, sub-watersheds within the basin contribute recharge to different parts of the system depending on groundwater flow-paths from recharge to discharge areas. In general, within these sub-watersheds water within the aquifer system is sourced from a common recharge area, and can therefore be considered a single source.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
 Yes No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
 Yes No Comments: _____

In large part the proposed APOAs are within the footprint of the currently authorized POAs and will not result in an increase in interference with nearby wells. The exception is proposed well HARN 51066, which is located a short distance south of the currently authorized wells. Pumping at HARN 51066 will result in an incremental increase in interference with existing wells to the south.

- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
 Yes No If yes, explain: _____

Proposed APOA HARN 51066 is ~1,100 feet closer to existing POD 3 under inchoate transfer T-12362 than the nearest currently authorized well. However, it is still located ~0.9 miles away, and at this distance any increase in interference will be minimal.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
 Yes No Comments: There are no perennial surface water sources in the vicinity of the existing or proposed wells.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
Stream: _____ Minimal Significant
Stream: _____ Minimal Significant
Provide context for minimal/significant impact: _____
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
 Yes No Comments: _____
7. What conditions or other changes in the application are necessary to address any potential issues identified above: none.
8. Any additional comments: none.

