

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14173

GW Reviewer Darrick E. Boschmann Date Review Completed: 3/22/2023

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-14173

Applicant Name: Gregg / Rattlesnake Creek Land & Cattle

Proposed Changes: ☒ POA ☒ APOA ☐ SW→GW ☒ RA
 ☒ USE ☒ POU ☐ OTHER

Reviewer(s): Darrick E. Boschmann

Date of Review: 3/22/2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 8/3/23

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 certificate 90309 which authorizes groundwater pumping from one well (HARN 50176) for year-round industrial use, primary irrigation of 6.7 acres, and supplemental irrigation of 446.8 acres in the Malheur Lake Basin. The follow changes are proposed:

1. Change the character of use from industrial to irrigation (primary and supplemental) and add a new POU of 85.6 acres primary irrigation and 43.6 acres supplemental irrigation in 23S/32.5E section 6 and 22S/33E section 29.
2. Change the authorized POA from HARN 50176 to HARN 320.
2. Add 2 APOA (HARN 52916; “#24” unbuilt).

Note: this permanent transfer application involves the same “from” and “to” wells as temporary drought transfer application T-14067.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?

☒ Yes ☐ No Comments: _____

The “from” well HARN 50176 develops groundwater occurring in the Older basin fill and Silicic lava flows and domes hydrostratigraphic units. Proposed “to” well HARN 320 develops groundwater occurring primarily in the Proximal vent deposits hydrostratigraphic unit. Proposed “to” well HARN 52916 develops groundwater occurring in the Older basin fill hydrostratigraphic unit. Proposed “to” well “#24” will likely develop groundwater occurring in the Younger basin fill and/or Older basin fill hydrostratigraphic units. Groundwater occurs in multiple hydrostratigraphic units, and groundwater within these units is hydraulically connected, making a single groundwater system composed of multiple hydrostratigraphic units (Gingerich and others, 2022).

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. The currently authorized well and the proposed wells are all within the northern part of Harney Valley and are located along groundwater flow paths flowing southward toward Malheur Lake.

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: _____

The proposed APOA are located up to ~14.5 miles away from the currently authorized well. This will result in an incremental increase in interference with existing wells in these locations.

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: _____

Any increase in interference with existing wells in these locations will not meet the standard for substantial or undue interference given the thickness of the aquifer system in the Harney Basin.

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: The proposed APOA are not located significantly closer to perennial reaches of surface water than the currently authorized well.
- 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: _____

This review does not evaluate if the proposed change of use from year-round industrial use to 85.6 acres primary irrigation and 43.6 acres supplemental irrigation is allowed. Additionally, this review does not evaluate if certificate 90309 is subject to transfer.

