

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14466

GW Reviewer Phillip I. Marcy Date Review Completed: 10/02/2024

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-14466

Applicant Name: Eagle Eye Ventures – Eva and Dan Henes

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

Reviewer(s): Phillip I. Marcy

Date of Review: 10/02/2024

Date Reviewed by GW Mgr. and Returned to WRSD: _____

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 _____

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1. Basic description of the changes proposed in this transfer: The applicant proposes to add three additional point of appropriation (APOA) well to Certificates 73168 and 73169, currently authorized to use groundwater from three horizontal collector wells. The applicant also proposes to change place of use for the rights listed above in addition to those lands authorized by Certificates 4117, 74205, and 83237. The proposed changes are intended to provide the applicant with more consistent geographic coverage and provide more flexibility within the water distribution system.
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 - Yes No Comments: The three existing groundwater POAs are horizontal collector wells, or “drain tiles” as described in Certificate 13169. The three new APOA wells are proposed to be 600’ deep, designed to produce groundwater from 500-600’ BLS. At this depth, versus the currently authorized POAs, there is insufficient data to confirm that the productive aquifer targeted by the APOA wells is the same aquifer source that provides flow at land surface to the authorized collector wells. The proposed change from shallow collector wells to production of groundwater from 500-600’ BLS at the alternate locations has a strong potential for enlargement, particularly if the applicant’s authorized POAs are no longer supplying the authorized volume of water. This potential enlargement may then further exacerbate any declines in the local groundwater and surface water supply by drying up springs, including those used as POAs such as those currently authorized under the applicant’s rights in addition to others.

Recently constructed well BAKE 52965 is within 1,500 feet of, and constructed to similar depth as, the proposed APOA wells, with the same water-bearing gravels being the target for production. This target aquifer reports high artesian pressure near 80' above land surface within BAKE 52965, which is significantly different than other nearby wells that are somewhat shallower (see attached cross-section).

The biggest concern with the proposed changes is that currently authorized near-surface collector wells limit groundwater production to what emanates in the near-surface and therefore limits the potential to overdraft the aquifer system, where drilling deep wells to access the same water eliminates this limitation, possibly causing a more substantial drop in hydraulic head elevation and leading to a cessation of discharge from the local artesian system and inevitably to local surface water. The second major risk is that the targeted high-pressure system is not found at the location and depth anticipated, in what are likely to be expensive wells based upon the proposed construction.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
 Yes No All authorized POAs produce from shallow spring sources.
- 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.): NA
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 design of the proposed APOA wells appears to be modeled after BAKE 52965, with the desired result to produce artesian flow from the confined gravel intercepted by that well. At distances less than 1,500 feet and within the same high-permeability lens, if the same horizon is successfully tapped, interference between these wells is anticipated.
- 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: Given the significant artesian pressure of the proposed aquifer, it is unlikely that development here will prevent BAKE 52965 from receiving the customary supply of water. BAKE 52965 is an exempt livestock well.
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: If additional water is available for use via the proposed changes, this difference will be the result of intercepting groundwater otherwise destined for Marble Creek.
- 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: Marble Creek Minimal Significant
Stream: _____ Minimal Significant
Provide context for minimal/significant impact: This does not imply enlargement of the right, but that the current POA wells are not providing the authorized volume of water on a consistent basis.

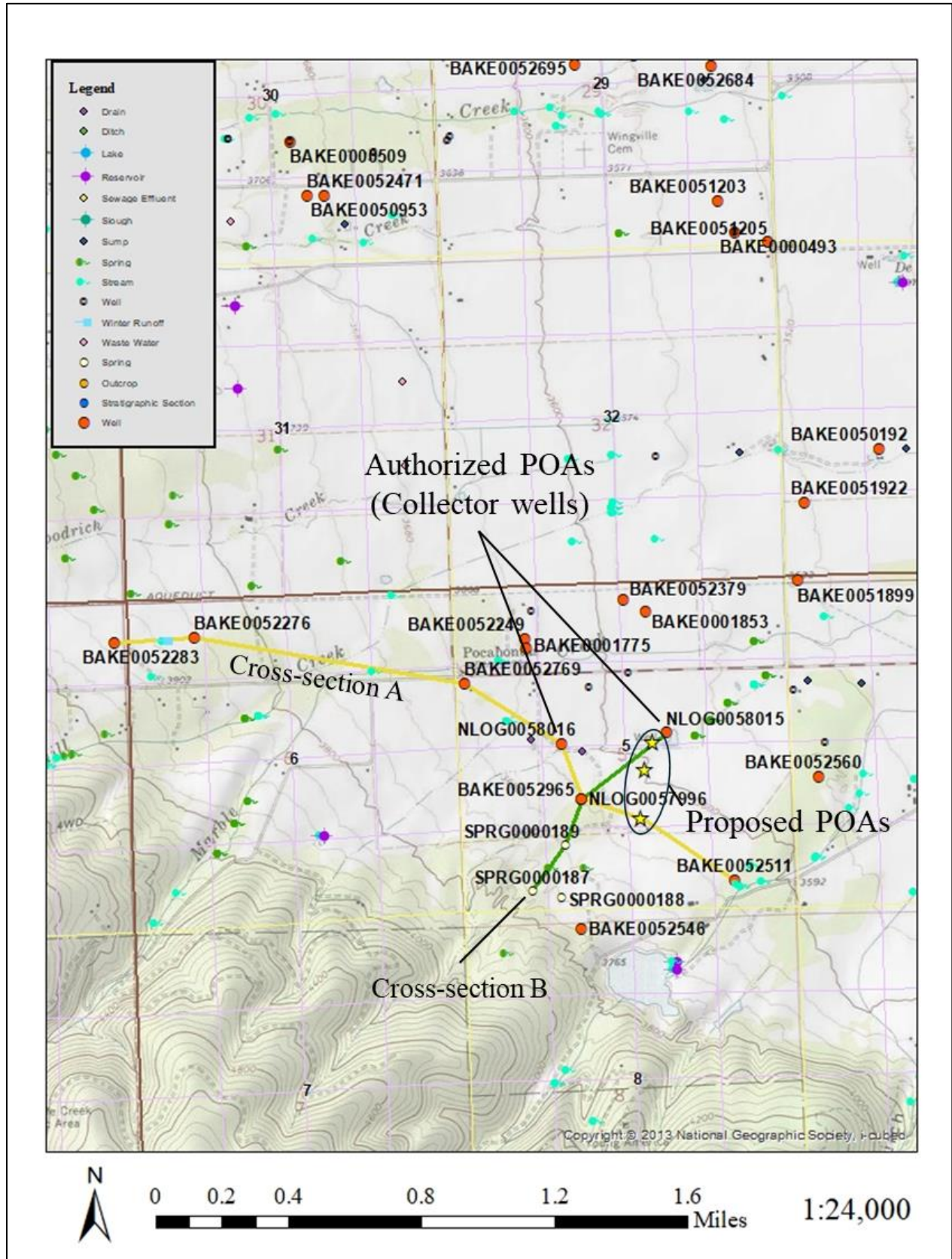
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes No Comments: NA

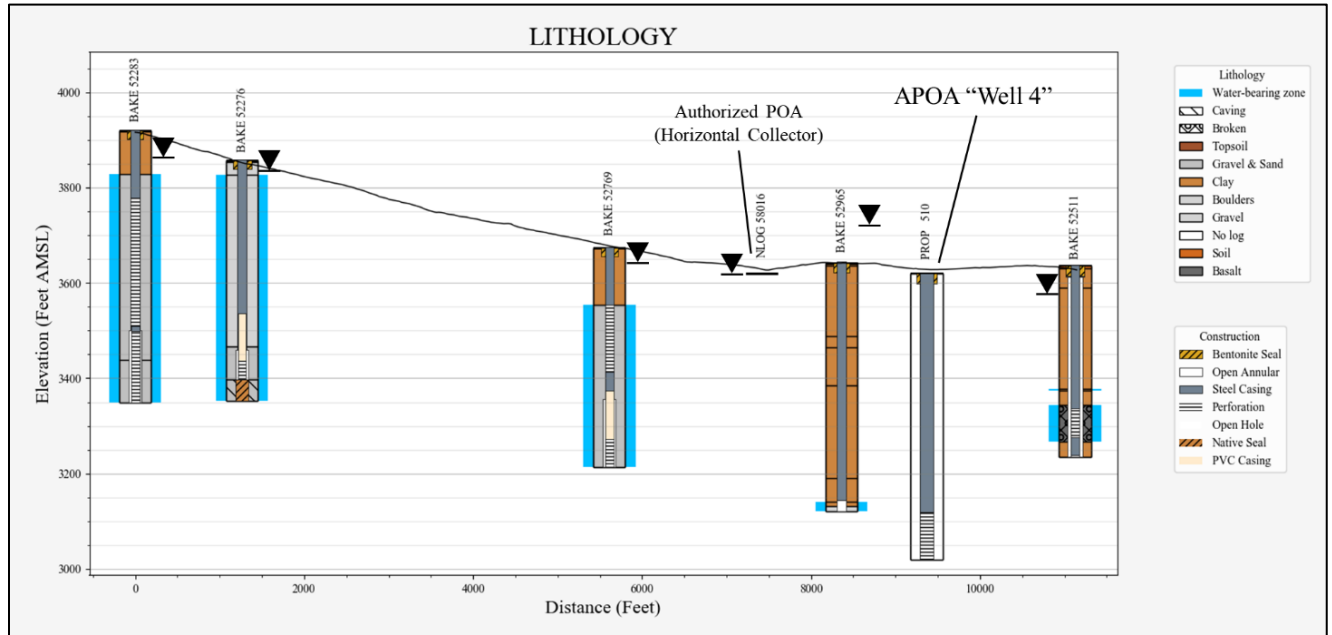
7. What conditions or other changes in the application are necessary to address any potential issues identified above: If this application results in a new permit being issued, the following special condition shall apply:

Special Condition: To prevent overdrafting of the source aquifer, any APOA wells producing groundwater from the aquifer producing artesian flow in BAKE 52965 shall be limited to pumping only when the groundwater elevation is above the elevation of the lowest currently authorized POA well (3,580' AMSL).

8. Any additional comments: _____



Cross-section A:



Cross-section B:

