

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13905

GW Reviewer James Hootsmans/Josh Hackett Date Review Completed: July 10, 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 Water Level Decline Condition Review:

☒ Water levels at the original point(s) of appropriation have exceeded the allowed decline threshold defined by conditions in the originating water right.

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-13905

Applicant Name: Jasper County LLC

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

Reviewer(s): J. Hootsmans/J. Hackett/J. Iverson

Date of Review: 7/10/2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 6/3/25

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: The applicant proposes to replace authorized POAs #1 (WHEE 50331), #3 (WHEE 50328), #4 (WHEE 50337) and #5 (WHEE 50530) under Permit G-16352 with proposed POAs #7 (WHEE 50495), #8 (WHEE 50499/50519), and #9 (WHEE 50500). The authorized and proposed POAs associated with Permit G-16352 are displayed in Table 1. According to the applicant, new replacement wells were constructed with seal depths approved by OWRD.

Note, the applicant references proposed POA #3 with the Driller's deepening log (WHEE 50519). The Department's convention is to reference wells (POAs) with the Driller's original log. The original log for this well (WHEE 50499) will be used to reference proposed POA #3 throughout this review. Also, a typo in the application listed POA #5 as WHEE 50530 instead of WHEE 50330 as indicated on the application map.

Table 1: Authorized and Proposed POAs on Permit G-16352.

Permit	Authorized POAs	Proposed POAs
G-16352	WHEE 50331 (POA #1)	WHEE 50495
G-16352	WHEE 50328 (POA #3)	WHEE 50499
G-16352	WHEE 50337 (POA #4)	WHEE 50500
G-16352	WHEE 50330 (POA #5)	WHEE 50500

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

☒ Yes ☐ No Comments: Authorized and proposed POAs are drilled to similar depths, have similar water level elevations, and produce from the same aquifer.

3. a) Is the existing authorized POA subject to a water level decline condition?

☒ Yes ☐ No Comments: More information in Section 9 below.

b) If yes, for each POA identify the reference level, most recent spring-high water level, and whether an applicable permit decline condition has been exceeded:

Existing Authorized POAs for Permit G-16352	Reference Level Depth Below Land Surface (feet)	Max Decline Below Reference Level (feet)	March 2025 water level at POA (feet)	Permit decline condition exceeded?
WHEE 50331 (POA #1)	2	25	118.5	Yes
WHEE 50335 (POA #2)	17	25	Not measured	Unknown
WHEE 50328 (POA#3)	-35	25	6.2 (2024)	Yes
WHEE 50337 (POA#4)	49	25	68.3 (2024)	Not as of 2024 for total magnitude, but yes for rate condition (see Section 9 for details)
WHEE 50330 (POA#5)	26	25	Not measured	Unknown
WHEE 50334 (POA#6)	21	25	106.20 (2024)	Yes

4. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

☐ Yes ☒ No All Authorized and Proposed POAs develop water from the John Day Formation.

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.): _____

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another groundwater right**?

☐ Yes ☒ No Comments: All POAs will be located similar distances from existing groundwater users, so interference is not expected to increase.

- 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: _____

6. 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: All POAs will be located similar distances from nearby surface water sources, so interference is not expected to increase.

- 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: _____

7. 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: _____

8. What conditions or other changes in the application are necessary to address any potential issues identified above: _____

9. Any additional comments: Groundwater level declines have occurred in several of the authorized and proposed POAs and in other area wells completed in the John Day Formation over the past two decades. In particular, three of the authorized POAs (WHEE 50328, WHEE 50331 and WHEE 50337) have triggered water level decline conditions stipulated in Permit G-16352.

Permit G-16352 includes the following provision: "The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data".

Applying this condition, the reference levels for the six authorized POAs are:

- WHEE 50331 (Well 1): 2.00 ft bls (3978 ft amsl, 02/22/2010)
- WHEE 50335 (Well 2): 17.00 ft bls (3943 ft amsl, 08/14/2007)
- WHEE 50328 (Well 3): -35.00 ft bls (4288 ft amsl, 02/05/2009)
- WHEE 50337 (Well 4): 49.00 ft bls (4405 ft amsl, 03/30/2011)
- WHEE 50330 (Well 5): 26.00 ft bls (4403 ft amsl, 07/19/2007)
- WHEE 50334 (Well 6): 21.00 ft bls (4081 ft amsl, 03/30/2011)

Reference levels for WHEE 50331, WHEE 50328, WHEE 50337, and WHEE 50334 are from water level measurements made in February - March 2009-2011, the first non-irrigation season(s) measurements available after construction of each POA. WHEE 50335 and WHEE 50330 are part of the permit condition program but have not had water levels measured since the time of drilling; reference levels in these wells were taken from the driller's log.

If this application is approved, reference levels will need to be specified for the "To" POAs. Reference levels in the "To" POAs must be equivalent to the reference level in each corresponding "From" POA on the date the "From" POA reference level was established. Where available, reference levels in "To" POAs were determined by calculating the difference between water level elevation in the "From" POA and in its corresponding "To" POA measured on or near the same date. That elevation difference was then applied to the reference level of the "From" POA to calculate the new reference level in the "To" POA. WHEE 50500 is the "To" POA for multiple "From" POAs (WHEE 50337 and WHEE 50330). Multiple water level measurements were not available for WHEE 50330, so the reference level for WHEE 50500 was calculated from water level data from WHEE 50337 only. Reference levels for the "To" POAs are shown in Table 2.

Table 2. Calculated Reference Levels in “To” POAs

<i>"From" POA Reference Level</i>					<i>Same/Similar Date Water Level</i>					<i>"To" POA Reference Level</i>			
		Date	Water Level Below Land Surface (feet)	Water Level Elevation (feet amsl)			Date	Water Level Elevation (feet amsl)	Water Level Difference (feet)			"To" POA Ref level Calculated (feet bls)	"To" POA Ref level Calculated (feet amsl)
From POA:	WHEE 50331	2/22/2010	2	3978	From POA:	WHEE 50331	5/3/2021	3906					
					To POA:	WHEE 50495	5/3/2021	3909	-3	To POA:	WHEE 50495	2	3981
From POA:	WHEE 50328	2/5/2009	-35	4288	From POA:	WHEE 50328	7/2/2019	4255					
					To POA:	WHEE 50499	9/27/2019	4255	0	To POA:	WHEE 50499	-35	4288
From POA:	WHEE 50337	3/30/2011	49	4405	From POA:	WHEE 50337	7/2/2019	4387					
					To POA:	WHEE 50500	10/2/2019	4382	5	To POA:	WHEE 50500	49	4400
From POA:	WHEE 50330	7/19/2007	26	4403	From POA:	WHEE 50330							
					To POA:	WHEE 50500				To POA:	WHEE 50500		

Permit G-16352 contains the following four water level decline conditions:

“The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur: (a) Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or (b) Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or (c) Annual water-level measurements reveal a water-level decline of 25 or more feet; or (d) Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.”.

At least one, but typically several of the “From” POAs has exceeded trigger levels on each of the first three conditions. “From” POA WHEE 50330 does not have a record of measured water levels, so the trigger levels could not be evaluated. However, the initial water level from the driller’s log was very similar to the level in WHEE 50337 and the POAs produce from the same aquifer, so it is highly likely water level decline WHEE 50330 has also exceed trigger limits. Reference levels, recent water level measurements, and permit condition triggers are shown for each “From” POA in Table 3.

Table 3. Reference levels, recent water levels and triggered permit conditions for each “From” POA. Trigger levels that have been exceeded are shown in red.

	Reference Level		Recent Water Level			Permit Condition Triggers		
POA	Reference Level Date	Reference Level (feet amsl)	Most Recent Measurement Date	Most Recent Measurement (feet amsl)	Water level Change (feet)	Avg Decline > 3 ft/year for 5 Years	15' Decline in < 5 Years	Total Decline > 25 Feet
WHEE 50331	2/22/2010	3978	5/3/2021	3906	72	6.8 ft/year 2010-2015	33 ft 2017-2021	72
WHEE 50328	2/5/2009	4288	5/3/2021	4255	33	7 ft/year 2011-2016	36 ft 2013-2017	33
WHEE 50337	3/30/2011	4405	5/3/2021	4385	20	3.2 ft/year 2015-2020	18 ft 2016-2020	20
WHEE 50330	7/19/2007	4403	None	No msmt				

Given (1) the overall declining groundwater trends in this area and (2) the triggered permit conditions in the authorized POAs, if this proposed transfer is approved, then it is recommended that it contain a provision that allows the proposed use of the “To” POAs only if the specific decline conditions for all of the “From” POAs have not been triggered.

References:

Permit G-16532 Files, G-16936 Application Files, T-13905 Application Files

Gannett, M., 1994. Ground Water Assessment of the John Day Basin, State of Oregon Water Resources Department, 121 p.

Figure 1. Well Location Map

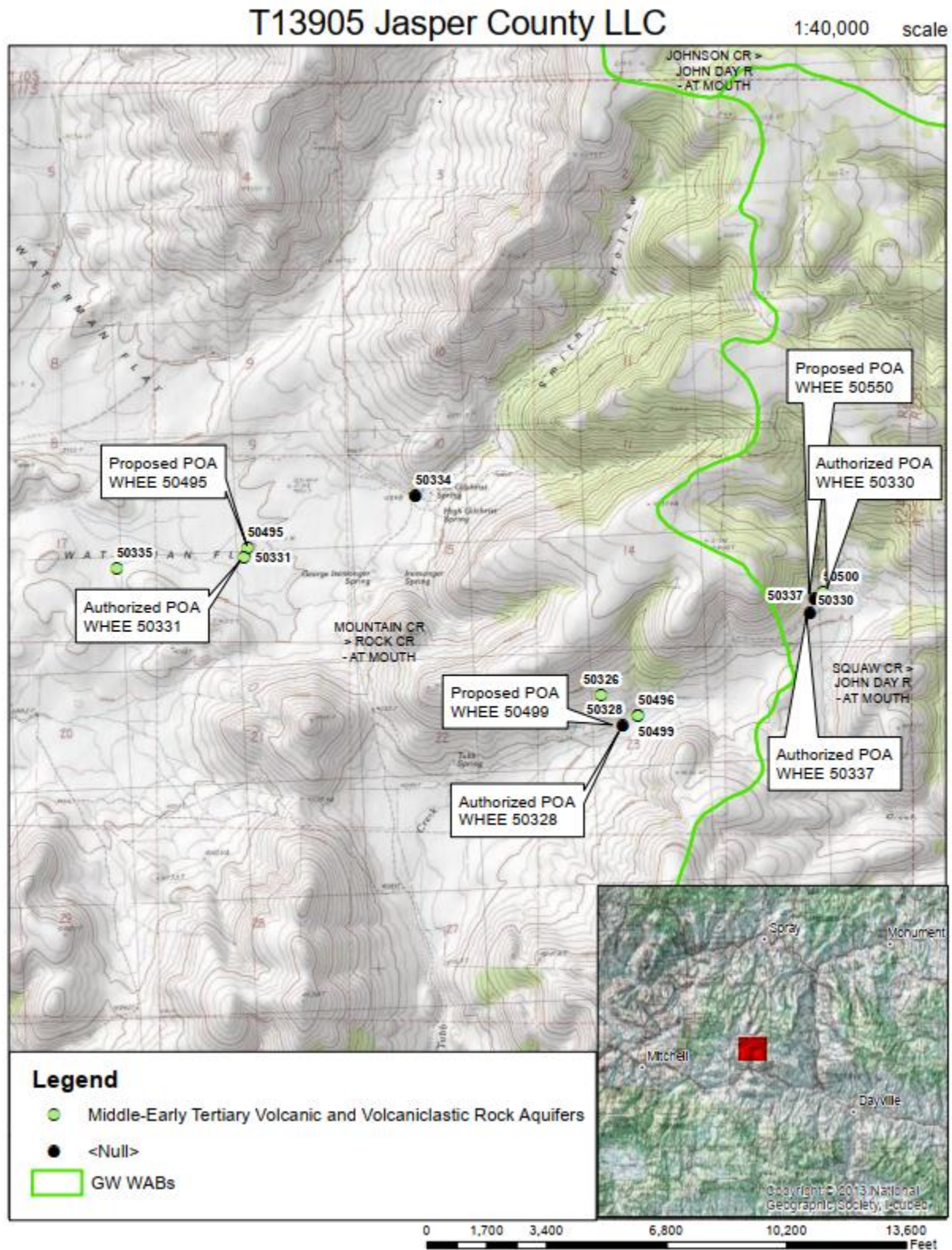
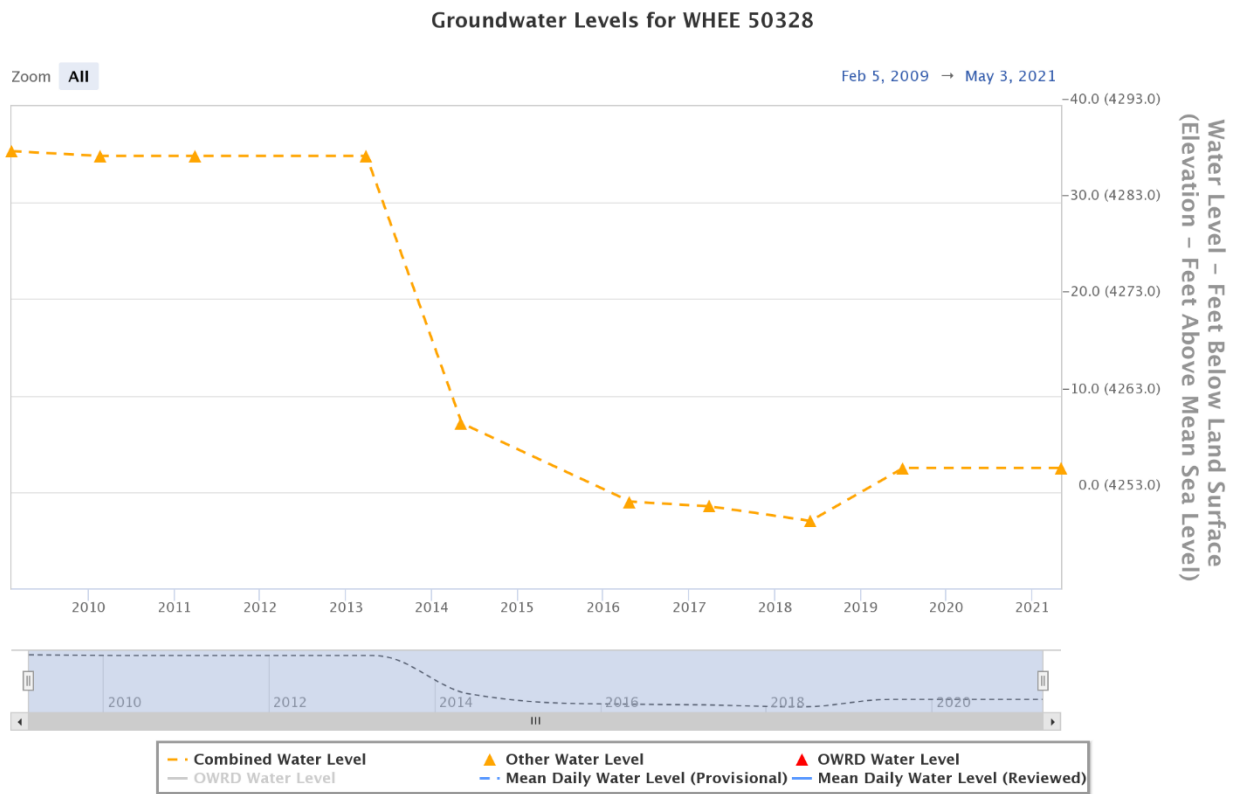
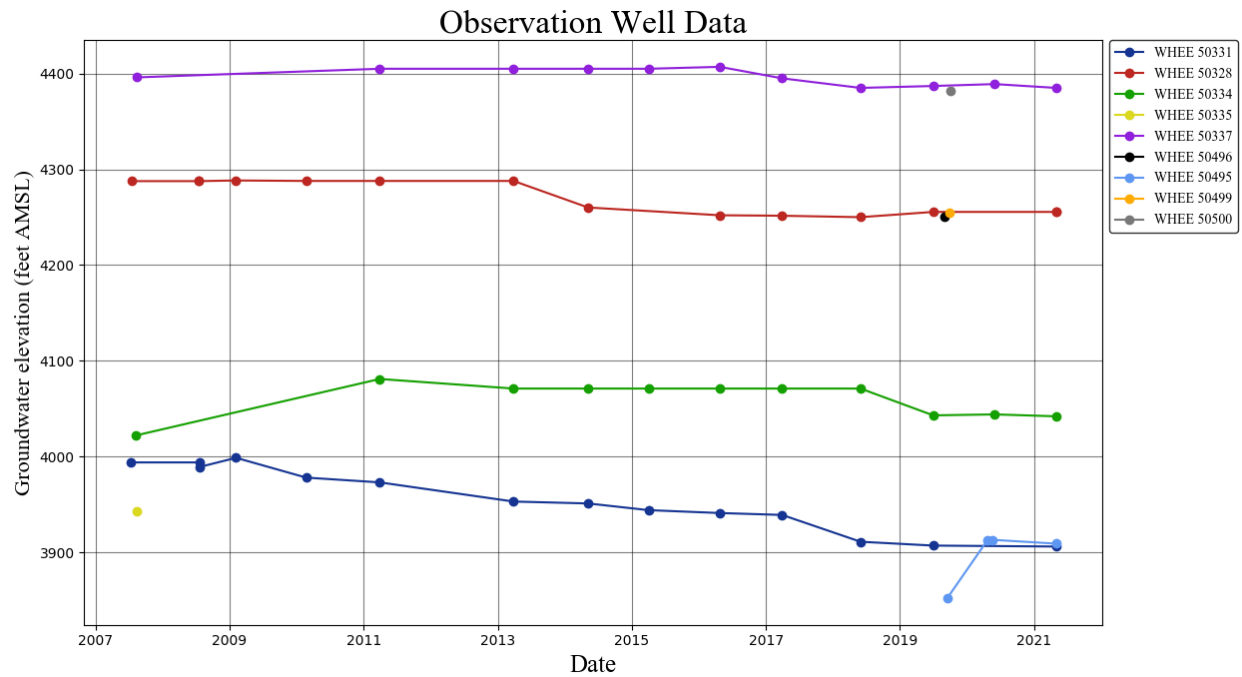
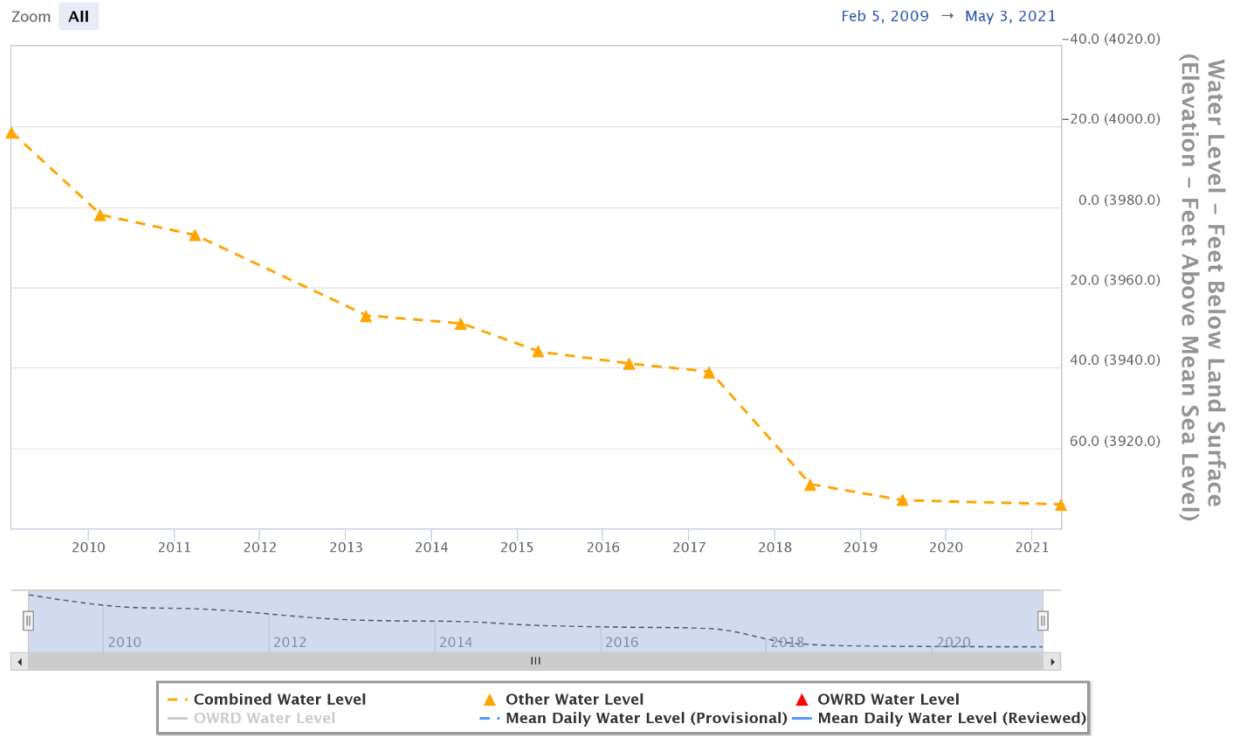


Figure 2. Water levels in “From” and “To” POAs.



Source: Oregon Water Resources

Groundwater Levels for WHEE 50331



Groundwater Levels for WHEE 50337

