

# Groundwater Application Review Summary Form

Application # G- 19116

GW Reviewer Darrick E. Boschmann Date Review Completed: 01/25/2023

## Summary of GW Availability and Injury Review:

Groundwater for the proposed use is either over appropriated, will not likely be available in the amounts requested without injury to prior water rights, OR will not likely be available within the capacity of the groundwater resource per Section B of the attached review form.

## Summary of Potential for Substantial Interference Review:

There is the potential for substantial interference per Section C of the attached review form.

## Summary of Well Construction Assessment:

The well does not appear to meet current well construction standards per Section D of the attached review form. Route through Well Construction and Compliance Section.

*This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations and for conditions that may be necessary for a permit (if one is issued).*

**WATER RESOURCES DEPARTMENT**

**MEMO**

**01/25/2023**

**TO:**            **Application G- 19116**

**FROM:**        **GW: Darrick E. Boschmann**  
                    (Reviewer's Name)

**SUBJECT: Scenic Waterway Interference Evaluation**

**YES**            The source of appropriation is hydraulically connected to a State Scenic  
 **NO**             Waterway or its tributaries

**YES**  
 **NO**             Use the Scenic Waterway Condition (Condition 7J)

Per ORS 390.835, the Groundwater Section is **able** to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below

Per ORS 390.835, the Groundwater Section is **unable** to calculate ground water interference with surface water that contributes to a scenic waterway; **therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway**

**DISTRIBUTION OF INTERFERENCE**

*Calculate the percentage of consumptive use by month and fill in the table below. If interference cannot be calculated, per criteria in 390.835, do not fill in the table but check the "unable" option above, thus informing Water Rights that the Department is unable to make a Preponderance of Evidence finding.*

Exercise of this permit is calculated to reduce monthly flows in   [Enter]   Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date 01/25/2023  
 FROM: Groundwater Section Darrick E. Boschmann  
 Reviewer's Name  
 SUBJECT: Application G- 19116 Supersedes review of 05/10/2021  
 Date of Review(s)

**PUBLIC INTEREST PRESUMPTION; GROUNDWATER**

**OAR 690-310-130 (1)** *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525.* Department staff review groundwater applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. **This review is based upon available information and agency policies in place at the time of evaluation.**

**A. GENERAL INFORMATION:** Applicant's Name: Allah Bakhsh County: Harney

A1. Applicant(s) seek(s) 4.9 cfs from 5 well(s) in the Malheur Lake Basin,  
Catlow Valley subbasin

A2. Proposed use Nursery Seasonality: Year Round

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well I	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	PROP	1	Volcanic rock	4.9	36.00S-29.00E-7-NW NW	30 FEET SOUTH AND 1280 FEET EAST FROM NW CORNER, SECTION 7
2	PROP	2	Volcanic rock	4.9	36.00S-29.00E-7-NW NW	980 FEET SOUTH AND 60 FEET EAST FROM NW CORNER, SECTION 7
3	PROP	3	Volcanic rock	4.9	36.00S-29.00E-7-SW SW	50 FEET NORTH AND 90 FEET EAST FROM SW CORNER, SECTION 7
4	PROP	4	Volcanic rock	4.9	36.00S-29.00E-7-SW SW	50 FEET NORTH AND 790 FEET EAST FROM SW CORNER, SECTION 7
5	PROP	5	Volcanic rock	4.9	36.00S-29.00E-7-SE SW	50 FEET NORTH AND 50 FEET WEST FROM S1/4 CORNER, SECTION 7

\* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	4872	-	-	-	405	0-32	+1.5-32	-	-	-	-	-
2	4877	-	-	-	405	0-32	+1.5-32	-	-	-	-	-
3	4947	-	-	-	405	0-32	+1.5-32	-	-	-	-	-
4	4970	-	-	-	405	0-32	+1.5-32	-	-	-	-	-
5	4973	-	-	-	405	0-32	+1.5-32	-	-	-	-	-

Use data from application for proposed wells.

A4. **Comments:** This re-review addresses the finding in section B1a in accordance with the 1/18/2023 clarification memo on the current policy for determining over-appropriation for new groundwater applications.

The proposed wells are located in southwest Harney County, along the border with Lake County on the north flank of Beaty Butte. The area underlying the proposed wells is mapped as Tb (Basalt) by Walker and Repenning, 1965. There are no existing wells in this area.

A5.  **Provisions of the** \_\_\_\_\_ Basin rules relative to the development, classification and/or management of groundwater hydraulically connected to surface water  **are, or**  **are not**, activated by this application. (Not all basin rules contain such provisions.)  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A6.  **Well(s) #** \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, tap(s) an aquifer limited by an administrative restriction.  
Name of administrative area: \_\_\_\_\_  
Comments: Currently no administrative area.  
\_\_\_\_\_  
\_\_\_\_\_

**B. GROUNDWATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070**

B1. **Based upon available data**, I have determined that groundwater\* for the proposed use:

- a.  is over appropriated,  is not over appropriated, or  cannot be determined to be over appropriated during any period of the proposed use. \* This finding is limited to the groundwater portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b.  will not or  will likely be available in the amounts requested without injury to prior water rights. \* This finding is limited to the groundwater portion of the injury determination as prescribed in OAR 690-310-130;
- c.  will not or  will likely to be available within the capacity of the groundwater resource; or
- d.  will, if properly conditioned, avoid injury to existing groundwater rights or to the groundwater resource:
  - i.  The permit should contain condition #(s) 7N; Flow meter/reporting;
  - ii.  The permit should be conditioned as indicated in item 2 below.
  - iii.  The permit should contain special condition(s) as indicated in item 3 below;

- B2. a.  **Condition** to allow groundwater production from no deeper than \_\_\_\_\_ ft. below land surface;
- b.  **Condition** to allow groundwater production from no shallower than \_\_\_\_\_ ft. below land surface;
- c.  **Condition** to allow groundwater production only from the \_\_\_\_\_ groundwater reservoir between approximately \_\_\_\_\_ ft. and \_\_\_\_\_ ft. below land surface;
- d.  **Well reconstruction** is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Groundwater Section.

**Describe injury** –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B3. **Groundwater availability remarks:** \_\_\_\_\_

There are no existing wells or groundwater developments anywhere in this immediate area. Over 5 miles to the west LAKE 51567 was completed to a depth of 760 feet in basalt and reportedly encountered no water. Approximately 8 miles to the east HARN 52610 penetrated 193 feet of clay, ash and pumice overlying basalt and broken rock to a depth of 650 feet and was also reported as a dry hole.

There are no water level data available for this area. Given the lack of any nearby development it is very unlikely that water levels in this area would meet the Division 8 definition of excessively declining or declined excessively (for the storage portion of the source of water to wells).

Very little information exists for this location and it is not known if sufficient groundwater will be present at the proposed depth for the proposed use.

If a permit is issued, the following conditions are recommended:

7N: Annual Measurement and Decline Condition

Flow meter condition: Use the water rights “large” permit condition requiring a totalizing flow meter and reporting.

**C. GROUNDWATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**

C1. **690-09-040 (1):** Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1-5	Volcanic rock	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**Basis for aquifer confinement evaluation:** \_\_\_\_\_

There is very little information available about groundwater conditions in this area but elsewhere in this basin groundwater exists under unconfined conditions in both volcanic rock and sedimentary deposits.

C2. **690-09-040 (2) (3):** Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (mi)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1-5	1	Willow Spring	<5360	5360	2.25-3.25	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1-5	2	North Spring	<4570	4570	2.5-3.5	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1-5	3	DL Spring	<5380	5380	2.25-3.25	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Basis for aquifer hydraulic connection evaluation:** \_\_\_\_\_

The only perennial surface water sources in this area are several springs located upgradient on the flanks of Beatys Butte. Although the groundwater elevation at the location of the proposed wells is unknown, it is below the elevation at which these springs discharge from the butte.

**Water Availability Basin the well(s) are located within:** No WAB data available.

C3a. **690-09-040 (4):** Evaluation of stream impacts for each well that has been determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water (SW) source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that SW source, not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% *natural* flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked  box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

SW #	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: \_\_\_\_\_

This section does not apply. \_\_\_\_\_

C4a. **690-09-040 (5):** Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

Basis for impact evaluation: \_\_\_\_\_

This section does not apply. \_\_\_\_\_

C4b. **690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.**

- C5.  **If properly conditioned**, the surface water source(s) can be adequately protected from interference, and/or groundwater use under this permit can be regulated if it is found to substantially interfere with surface water:
  - i.  The permit should contain condition #(s) \_\_\_\_\_;
  - ii.  The permit should contain special condition(s) as indicated in "Remarks" below;

C6. **SW / GW Remarks and Conditions:** \_\_\_\_\_

None.

**References Used:** Walker, G.W. and Repenning, C.A., 1965. Reconnaissance geologic map of the Adel quadrangle, Lake, Harney, and Malheur counties, Oregon, US Geological Survey Miscellaneous Geologic Investigations Map I-446, scale 1:250,000.

OWRD water well reports, water level data, and/or hydrographs.



**D. WELL CONSTRUCTION, OAR 690-200**

D1. Well #: \_\_\_\_\_ Logid: \_\_\_\_\_

D2. **THE WELL does not appear to meet current well construction standards based upon:**

- a.  review of the well log;
- b.  field inspection by \_\_\_\_\_;
- c.  report of CWRE \_\_\_\_\_;
- d.  other: (specify) \_\_\_\_\_

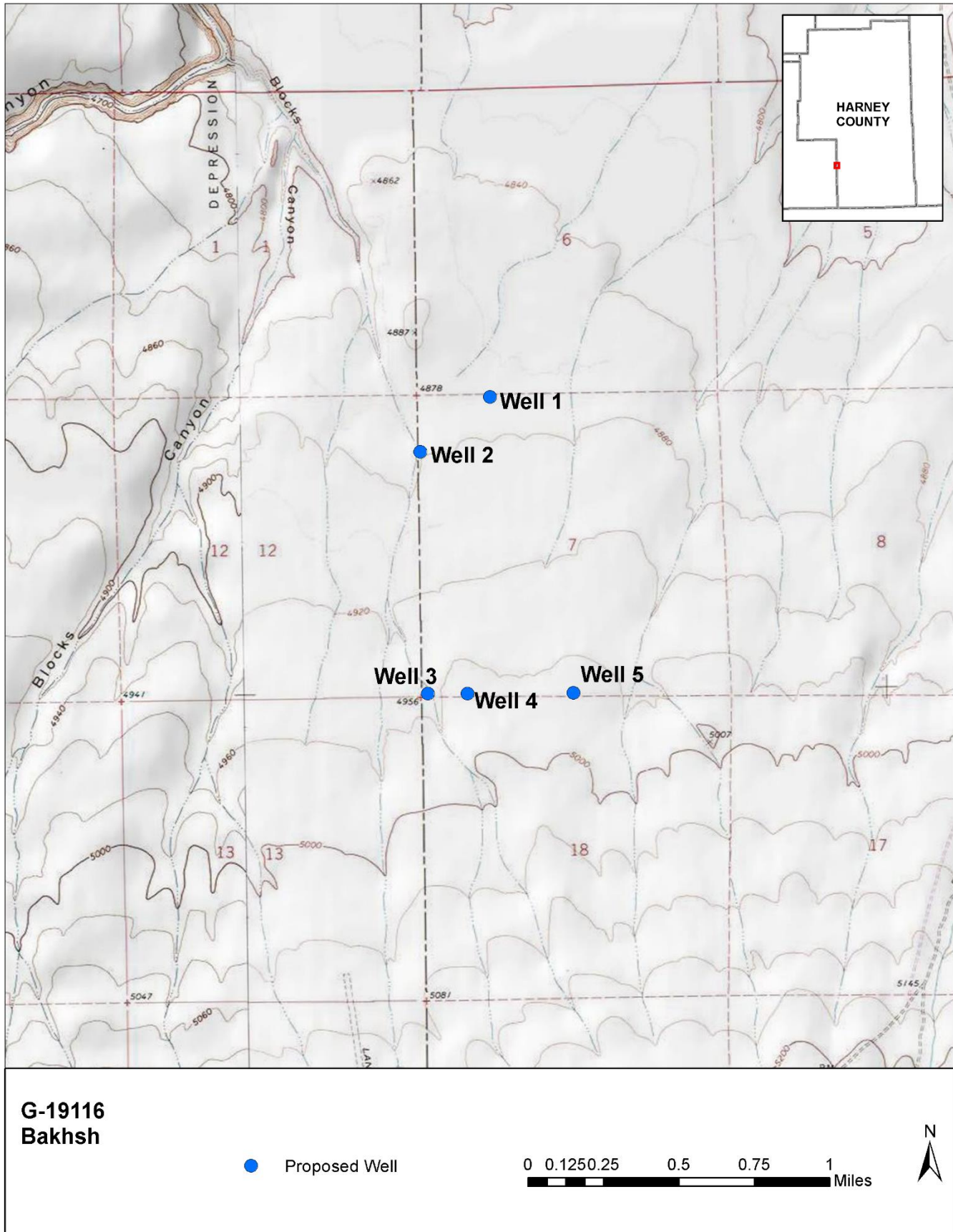
D3. **THE WELL construction deficiency or other comment is described as follows:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D4.  **Route to the Well Construction and Compliance Section for a review of existing well construction.**

**Water Availability Tables**

No WAB data available.

Well Location Map



G-19116  
Baksh

● Proposed Well

0 0.125 0.25 0.5 0.75 1 Miles



**Water-Level Measurements in Nearby Wells**

None available.