PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date 03/24/2023
FROM: Groundwater Section Jen Woody
Reviewer's Name
SUBJECT: Application G- 18820 Supersedes review of 9/13/2019
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: **Miles Penner** County: **Yamhill**

A1. Applicant(s) seek(s) 0.025 cfs from 1 well(s) in the Willamette Basin, Chehalem subbasin

A2. Proposed use Irrigation Seasonality: Year-round

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

Well	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	YAMH 1087	1	CRBG	0.025	T2S/R3W-27 SE ¼ SE ¼	75'N, 335'W fr ESE cor DLC 52
2						
3						
4						
5						

* 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	870	210	200	6/16/2019	380	0-65	0-67, 60-380	n/a	320-340, 360-380	1	160	air

Use data from application for proposed wells.

A4. **Comments:**

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) #** 1 , , , , , tap(s) an aquifer limited by an administrative restriction.
Name of administrative area: **Chehalem Mountain Groundwater Limited Area**

Comments: OAR 690-502-0200: Permits may be issued, for a period not to exceed five years, for fire protection and for drip or equally efficient irrigation provided the Director finds the proposed use and amount do not pose a threat to the groundwater resource or existing permit holders. The amount of water used for irrigation shall be further limited to one acre-foot per acre per year. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use.

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) **7I, Large Water Use 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 **a single aquifer in the Columbia River Basalt Group** 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:** The applicant's proposed wells will produce from one or more water-bearing zones in the Columbia River Basalt Group (CRBG), a series of lava flows with a composite thickness that ranges from 300 to 400 feet in this area (Conlon et al., 2005). Each flow is characterized by a series of internal features, including a thin rubble zone at the contact between flows and a thick, dense, low porosity and low permeability interior zone. In some cases, sedimentary layers were deposited during the time between basalt flow emplacements. A flow top, sedimentary interbed and flow bottom are collectively referred to as an interflow zone. Unconfined groundwater occurs near the weathered top of the basalts, but most water occurs in interflow zones at the contacts between lava flows. CRBG flow features result in a series of stacked, thin aquifers that are confined by dense flow interiors. The low permeability of the basalt flow interiors usually results in little connection between stacked aquifers, which generally results in tabular aquifers with unique water level heads.

The proposed use of 14.3 acre-feet per year at a maximum rate of 11 gallons per minute (gpm) is unlikely to create drawdown interference with nearby wells that prevents access to water. Nearby water level data are not available. Wells access a variety of water-bearing zones within the CRBG aquifer system. Well logs in T2S/R3W- Section 27 report yields ranging from 1 to 60 gpm, with a median yield of 13 gpm. Water use and water level monitoring conditions are recommended to protect existing users.

Section B1a of this review was updated according to the Iverson (2023) memo. The water level data from nearby wells does not represent the same groundwater source as the proposed use. Therefore the reviewer finds B1a " cannot be determined".

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	**Columbia River Basalt Group**	☒	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: Water-bearing zones within the CRBG typically display high degrees of confinement. The well log for YAMH 1087 shows the water level 10' above the top of the water-bearing zone, indicating confined conditions.

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 (ft)	Hydraulically Connected? YES	NO	ASSUMED	Potential for Subst. Interfer. Assumed? YES	NO
1	**1**	**Unnamed tributary**	**670**	**670**	**850**	☒	☐	☐	☐	☒
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: Water-bearing zones are reported in the confined interflow zones of the CRBG. These water-bearing zones, as well as the water level reported on the well log, are coincident with or above perennial reaches of the nearby creek. The creek has incised through several hundred feet of CRBG. Groundwater from the uplands likely discharges to surface water, providing baseflow or spring flow to sustain nearby perennial reaches of the creek.

Water Availability Basin the well(s) are located within: Watershed ID #30200707 Chehalem Creek.

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 source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and 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?
1	**1**	☒	☐			☐	**0.39**	☒	*	☒
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

C3b. **690-09-040 (4):** Evaluation of stream impacts <u>by total appropriation</u> 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?
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐

Comments: <u>* There is no appropriate model to estimate streamflow depletion from pumping in CRBG interflow zones that are incised by streams or discharge to point sources such as springs. Therefore, the percentage of interference at 30 days is not calculated.</u>

<u>The proposed rate on this application (0.025 cfs) is greater than 1% of the minimum 80% natural flow in the Chehalem WAB (0.39 cfs), such that PSI is assumed for SW #1</u>

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													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
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: n/a

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:** The applicant's well is within the Chehalem WAB and is likely hydraulically connected with a nearby stream reach in that WAB. The proposed rate is greater than 1% of the minimum natural flow in the WAB, so PSI was found.

References Used:

Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5168.

Iverson, J., February 6, 2023, OWRD Memorandum: Clarification of current policy for determining over-appropriation in section B1a of the Public Interest Review for Groundwater Applications.

US Geological Survey Topographic Map, Dundee Quadrangle.

OWRD water level and well log databases, includes reported water levels.

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.**

Figure 1. Water Availability Tables

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
Water Availability as of 3/11/2005 for
CHEHALEM CR > WILLAMETTE R - AT MOUTH

Watershed ID #: 30200707 Basin: WILLAMETTE Exceedance Level: 80
Time: 08:35 Date: 03/11/2005

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	101.00	3.11	0.00	97.90	0.00	0.00	97.90
2	115.00	2.97	0.00	112.00	0.00	0.00	112.00
3	80.60	2.20	0.00	78.40	0.00	0.00	78.40
4	33.00	1.31	0.00	31.70	0.00	0.00	31.70
5	14.90	1.87	0.00	13.00	0.00	0.00	13.00
6	8.48	3.14	0.00	5.34	0.00	0.00	5.34
7	2.13	4.69	0.00	-2.56	0.00	0.00	-2.56
8	0.59	3.87	0.00	-3.28	0.00	0.00	-3.28
9	0.39	2.26	0.00	-1.87	0.00	0.00	-1.87
10	3.05	0.61	0.00	2.44	0.00	0.00	2.44
11	11.50	0.90	0.00	10.60	0.00	0.00	10.60
12	66.20	2.44	0.00	63.80	0.00	0.00	63.80
Stor	48900	1770	0	47300	0	0	47300

Figure 2. Well Location Map

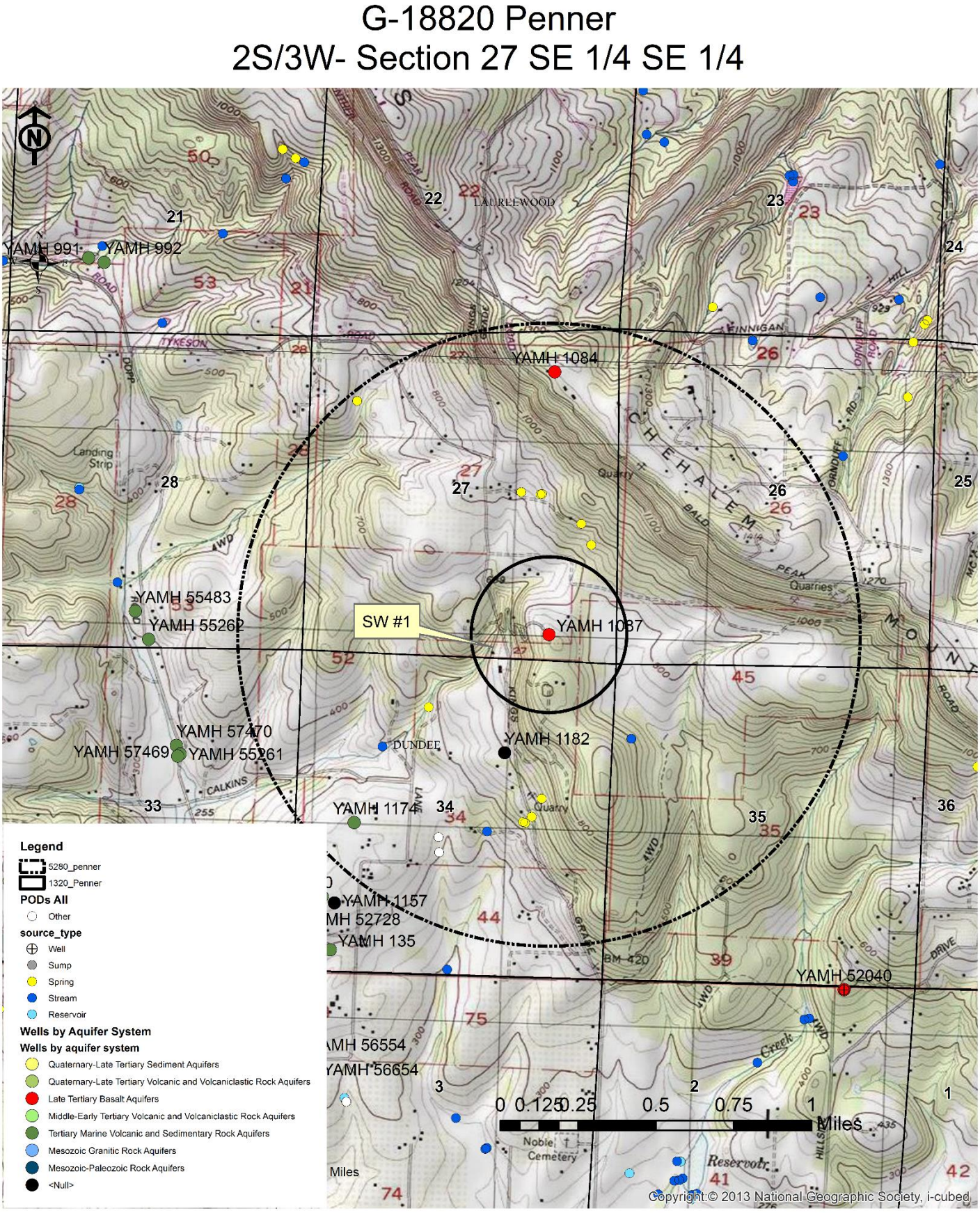


Figure 3. Water-Level Trends in Nearby Wells

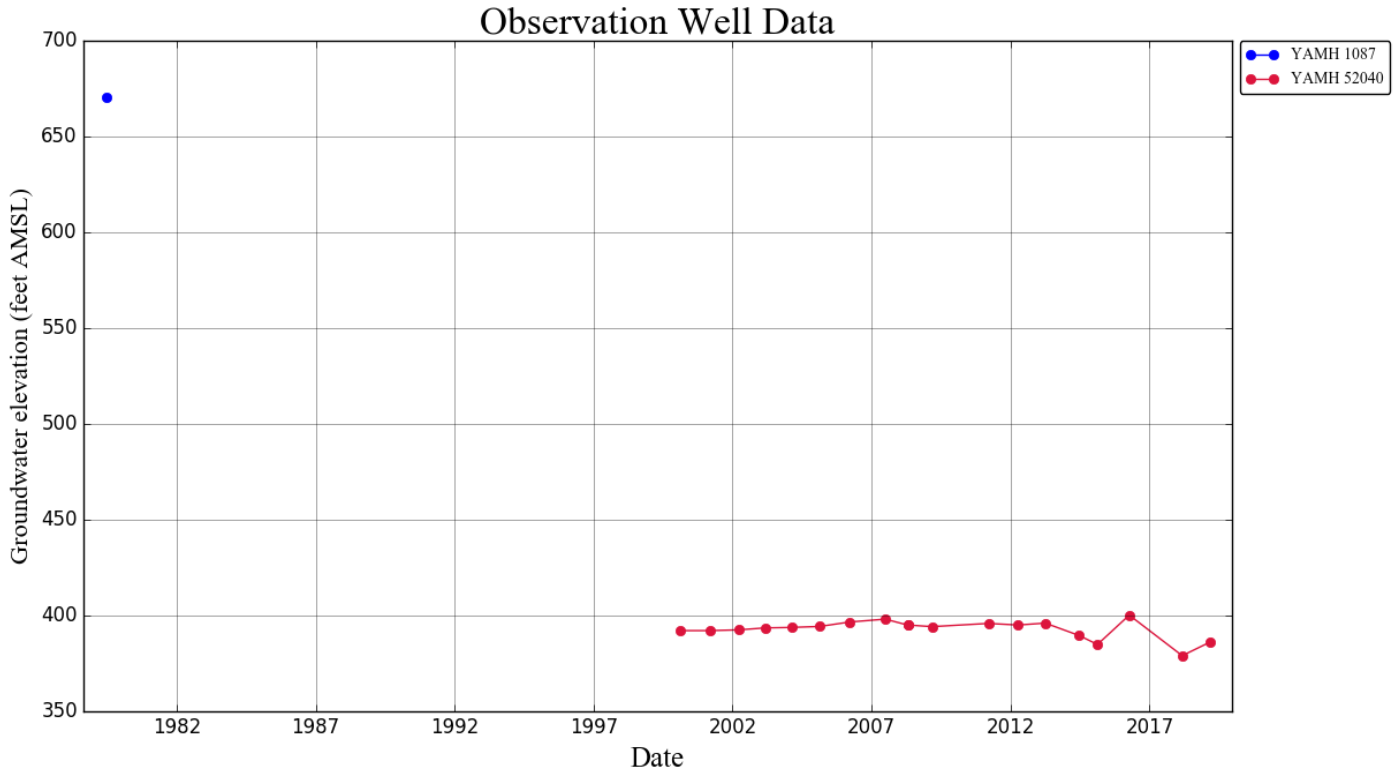


Figure 3a. Water Level trends updated 3/24/2023:

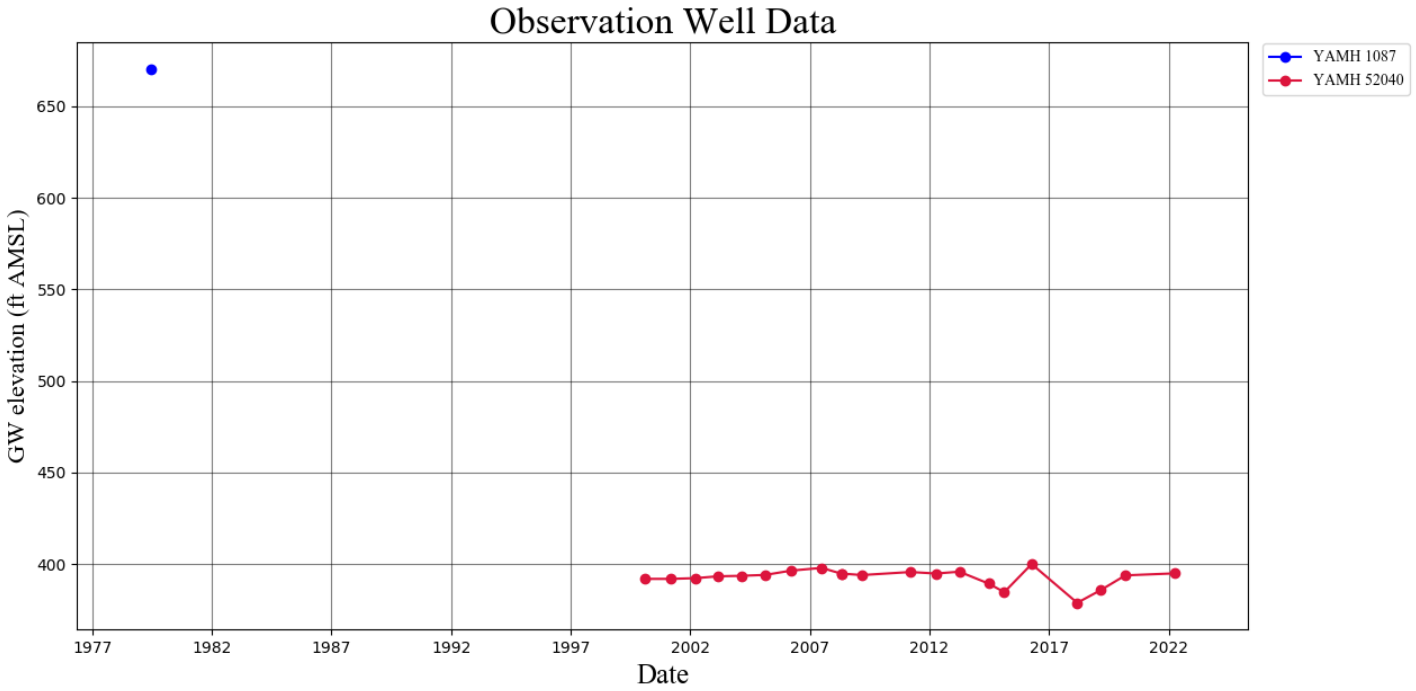
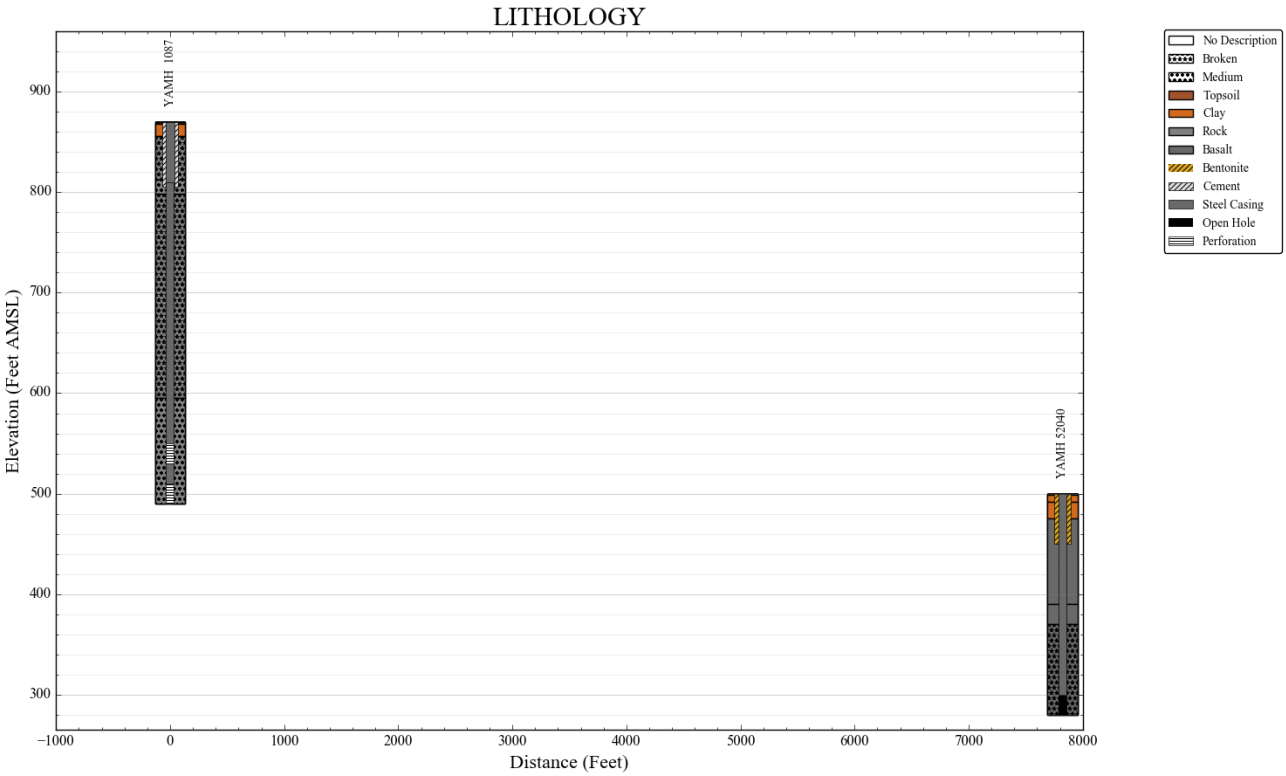


Figure 4. Cross Sectional diagram shows the subject well and the nearest well with water level data. The two wells do not access the same aquifer in the CRBG.



MEMO

To: Kristopher Byrd, Well Construction and Compliance Section Manager

From: Joel Jeffery, Well Construction Program Coordinator

Subject: Review of Water Right Application G-18820

Date: September 18, 2019

The attached application was forwarded to the Well Construction and Compliance Section by Water Rights. Jen Woody reviewed the application. Please see Jen's Groundwater Review and the Well Log.

Applicant's Well #1 (YAMH 1087): Based on a review of the Well Report, Applicant's Well #1 seems to protect the groundwater resource.

The construction of Well #1 may not satisfy hydraulic connection issues.

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

WATER WELL REPORT

STATE OF OREGON
(Please type or print)
(Do not write above this line)

YAMH 1087

State Well No. 2S/3W-27

State Permit No.

(1) OWNER:

Name Richard Krueger
Address 16270 S. W. Hart
Beaverton, Oregon 97005

(2) TYPE OF WORK (check):

New Well ☑ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☑ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☑ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☑

6" Diam. from 0 ft. to 67 ft. Gage .250
5" Diam. from 60 ft. to 380 ft. Gage .10
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☑ Yes ☐ No.

Type of perforator used Torch
Size of perforations 1/8 in. by 6 in.
20 perforations from 320 ft. to 340 ft.
20 perforations from 360 ft. to 380 ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☑ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☑ No If yes, by whom?
Yield: gal./min. with ft. drawdown after hrs.
" " "
" " "
air
~~Bailer~~ test 1 gal./min. with 160 ft. drawdown after 1 hrs.
Artesian flow g.p.m.
perature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used cement
Well sealed from land surface to 65 ft.
Diameter of well bore to bottom of seal 10 in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal 21 sacks
How was cement grout placed? pumped

Was a drive shoe used? ☐ Yes ☑ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☑ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☑ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Yamhill Driller's well number
¼ ¼ Section 27 T. 2S R. 3W W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 210 ft.
Static level 200 ft. below land surface. Date 6-16
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6
Depth drilled 380 ft. Depth of completed well 380 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Topsoil	0	2	
Brown clay	2	14	
Broken rock	14	58	
Medium brown rock	58	72	
Broken rock	72	275	
Medium brown rock	275	380	

RECEIVED
JUL - 6 1979
WATER RESOURCES DEPT
SALEM, OREGON

Work started 6-10 19 79 Completed 6-16 19 79
Date well drilling machine moved off of well 6-16 19 79

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Don Fraker (Drilling Machine Operator) Date 7-4, 1979
Drilling Machine Operator's License No. 1217

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Turner Drilling Co. Inc. (Person, firm or corporation) (Type or print)
Address Rt 1 Box 522 Portland, Ore. 97231
[Signed] Don Fraker (Water Well Contractor)
Contractor's License No. 715 Date 7-4, 1979

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119