

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date December 3, 2007
 FROM: Ground Water/Hydrology Section Michael Zwart
Reviewer's Name
 SUBJECT: Application G- 16926 Supersedes review of N/A
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 ground water 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: GH2O, Inc., Floyd Garland County: Harney

A1. Applicant(s) seek(s) 1.0 cfs from two well(s) in the Malheur Lake Basin,
Silvies River subbasin Quad Map: Burns

A2. Proposed use: Quasi-municipal 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	HARN 295	1	Volcanic Seds.	0.2228	23S/30E-14 NW-SW	1800' S, 1975' E fr W 1/4 cor S 14
2	HARN 50578	2	Volcanic Seds.	0.7772	23S/30E-14 SE-SW	1180' S, 40' E fr W 1/4 cor S 14
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	4290		150	10/15/65	260	0-20	0-260	None	240-260	30	20	Bail
2	4522	380	375	9/18/00	405	0-18	0-59	None	None	30	0	Bail

Use data from application for proposed wells.

A4. **Comments:** Both wells likely producing from cinders/gravel, but log for well #1 fails to identify the WBZ.

A5. **Provisions of the Malheur Lake** Basin rules relative to the development, classification and/or management of ground water 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: _____

B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that ground water* 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 ground water 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 ground water 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 ground water resource; or
- d. will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
 - i. The permit should contain condition #(s) 7A;
 - 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 ground water production from no deeper than _____ ft. below land surface;
- b. Condition to allow ground water production from no shallower than _____ ft. below land surface;
- c. Condition to allow ground water production only from the _____ ground water 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 Ground Water 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. Ground water availability remarks: Nearby SOW 167 & 169 show trends consistent with long-term climatic fluctuations. There is no overdraft apparent from these records.

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

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

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1, 2	Late Tertiary volcanic and volcanoclastic sedimentary rocks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Likely Tvs of Ground Water Report #16	<input type="checkbox"/>	<input 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: The water level in these and other nearby wells are usually above the water-bearing zone, but well #2 appears to be weakly confined at best. Regionally, the aquifer is likely unconfined.

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?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Unn trib to south	4140	4260	700	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	1	Unn trib to south @ spring	4140	4330	1500	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	2	Unn trib to north	4140	4340	2800	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	2	Unn trib to north	4140	4460	1250	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	3	W. Fork Silvies River	4140	4137	12500	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	3	W. Fork Silvies River	4140	4137	14500	<input checked="" type="checkbox"/>	<input 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"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: Except for the West Fork Silvies River, the nearby surface water sources are well above the head in the water-bearing zone. Hydraulic connection is indirect with overlying valley-fill deposits, which pinch out against the older upland rocks.

Water Availability Basin the well(s) are located within: W Fk Silvies River at Malheur Lake (31200201).

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?
		<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"/>
		<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"/>
	<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													
		%	%	%	%	%	%	%	%	%	%	%	%
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: This section likely applies, but use of the Wozniak/Hunt model to calculate interference is not likely appropriate. The hydraulic connection is most likely to be diffuse and indirect with discharge to overlying alluvial (valley-fill) deposits.

Horizontal lines for additional text or notes.

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 ground water 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

Horizontal lines for SW / GW Remarks and Conditions.

References Used: GW Report 16; USGS WSP 841; local well logs; Review of files G-13354 & G-16128.

Horizontal lines for additional references or notes.

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

D2. **THE WELL does not 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:**

- a. constitutes a health threat under Division 200 rules;
- b. commingles water from more than one ground water reservoir;
- c. permits the loss of artesian head;
- d. permits the de-watering of one or more ground water reservoirs;
- e. other: (specify) _____

D4. **THE WELL construction deficiency is described as follows:** _____

- D5. **THE WELL**
- a. was, *or* was not constructed according to the standards in effect at the time of original construction or most recent modification.
 - b. I don't know if it met standards at the time of construction.

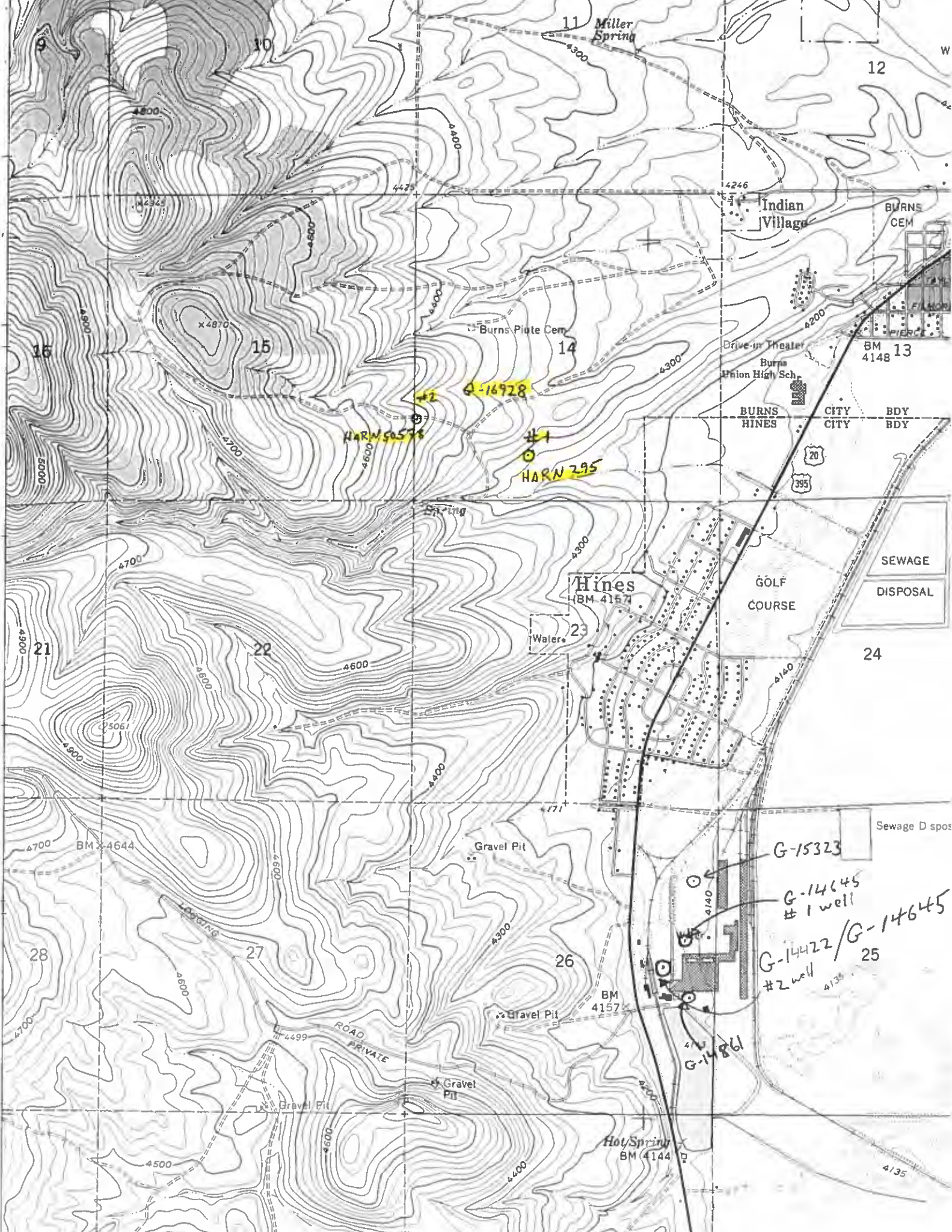
D6. **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

D7. Well construction deficiency has been corrected by the following actions: _____

_____, 200_____
(Enforcement Section Signature)

D8. **Route to Water Rights Section (attach well reconstruction logs to this page).**



11 Miller Spring

Indian Village

BURNS CEM

Burns Plate Cem

Drive-in Theater
Burns Union High Sch.

BM 4148

BURNS HINES CITY

CITY CITY

BDY BDY

Hines (BM 4157)

GOLF COURSE

SEWAGE DISPOSAL

Gravel Pit

G-15323

G-14645 #1 well

G-14422/G-14645 #2 well

Gravel Pit

BM 4157

G-14861

Hot Spring (BM 4144)

4135

Water Resources Department

Water Availability

WATER AVAILABILITY TABLE

Water Availability as of 12/ 3/2007 for
W FK SILVIES R > MALHEUR L - AT MOUTH

Watershed ID #: 31200201 Basin: MALHEUR LAKE Exceedance Level: 80
Time: 12:09 Date: 12/03/2007

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	31200201	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES	YES

STREAM NAMES

Water Availability as of 12/ 3/2007 for
W FK SILVIES R > MALHEUR L - AT MOUTH

Watershed ID #: 31200201 Basin: MALHEUR LAKE Exceedance Level: 80
Time: 12:09 Date: 12/03/2007

Item	Watershed ID	Stream Name
1	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 12/ 3/2007 for
W FK SILVIES R > MALHEUR L - AT MOUTH

Watershed ID #: 31200201 Basin: MALHEUR LAKE Exceedance Level: 80
Time: 12:09 Date: 12/03/2007

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	YES	27.3
2	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	YES	47.1
3	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	YES	76.7
4	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	YES	112.0
5	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	NO	-318.0
6	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	NO	-321.0
7	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	NO	-111.0
8	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	NO	-44.3
9	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	NO	-19.9
10	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	YES	13.8
11	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	YES	21.7
12	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	YES	23.6
Stor	31200201	W FK SILVIES R > MALHEUR L - AT MOUTH	YES	57700.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 12/ 3/2007 for
W FK SILVIES R > MALHEUR L - AT MOUTH

Watershed ID #: 31200201 Basin: MALHEUR LAKE Exceedance Level: 80
Time: 12:09 Date: 12/03/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require-ments	Net Water Available
1	31.50	4.16	27.30	0.00	0.00	27.30
2	53.00	5.86	47.10	0.00	0.00	47.10
3	132.00	55.30	76.70	0.00	0.00	76.70
4	343.00	231.00	112.00	0.00	0.00	112.00
5	235.00	553.00	-318.00	0.00	0.00	-318.00
6	124.00	444.00	-321.00	0.00	0.00	-321.00
7	38.60	150.00	-111.00	0.00	0.00	-111.00
8	17.30	61.60	-44.30	0.00	0.00	-44.30
9	13.30	33.10	-19.90	0.00	0.00	-19.90

10	16.90	3.13	13.80	0.00	0.00	13.80
11	25.20	3.51	21.70	0.00	0.00	21.70
12	27.40	3.78	23.60	0.00	0.00	23.60
Stor-50%	122000	93752	57700	0	0	57700

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 12/ 3/2007 for
W FK SILVIES R > MALHEUR L - AT MOUTH

Watershed ID #: 31200201 Basin: MALHEUR LAKE Exceedance Level: 80
Time: 12:09 Date: 12/03/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1.62	0.00	0.00	0.00	0.00	0.06	2.48	0.00	4.16
2	3.32	0.00	0.00	0.00	0.00	0.06	2.48	0.00	5.86
3	8.90	43.80	0.00	0.00	0.00	0.06	2.48	0.00	55.20
4	17.40	211.00	0.00	0.00	0.00	0.06	2.48	0.00	231.00
5	10.70	540.00	0.00	0.00	0.00	0.06	2.47	0.00	553.00
6	4.94	437.00	0.00	0.00	0.00	0.06	2.47	0.00	444.00
7	1.39	146.00	0.00	0.00	0.00	0.06	2.46	0.00	150.00
8	0.66	58.40	0.00	0.00	0.00	0.06	2.46	0.00	61.60
9	0.49	30.20	0.00	0.00	0.00	0.06	2.46	0.00	33.20
10	0.60	0.01	0.00	0.00	0.00	0.06	2.46	0.00	3.13
11	0.97	0.00	0.00	0.00	0.00	0.06	2.48	0.00	3.51
12	1.24	0.00	0.00	0.00	0.00	0.06	2.48	0.00	3.78

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 12/ 3/2007 for
W FK SILVIES R > MALHEUR L - AT MOUTH

Watershed ID #: 31200201 Basin: MALHEUR LAKE Exceedance Level: 80
Time: 12:09 Date: 12/03/2007

APP #	0	0	0	0	0	0	0	0	TOTAL
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 12/ 3/2007 for
W FK SILVIES R > MALHEUR L - AT MOUTH

Watershed ID #: 31200201 Basin: MALHEUR LAKE Exceedance Level: 80
Time: 12:09 Date: 12/03/2007

APP #	0	0	0	0	0	0	0	0	MAXIMUM
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00