Groundwater Application Review Summary Form

Application # G- _18532_

GW Reviewer _Joe Kemper_ Date Review Completed: _8/29/2023_

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 **_08/29/2023_**

TO: **Application** G-**_18532_**

FROM: **GW: _Joe Kemper_**
(Reviewer's Name)

SUBJECT: Scenic Waterway Interference Evaluation

☒ **YES**
☐ **NO**

The source of appropriation is hydraulically connected to a State Scenic 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 Rogue 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
0.083	**0.083**	**0.083**	**0.083**	**0.083**	**0.083**	**0.083**	**0.083**	**0.083**	**0.083**	**0.083**	**0.083**

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date 8/29/2023
FROM: Groundwater Section Joe Kemper
Reviewer's Name
SUBJECT: Application G- 18532 Supersedes review of 8/14/2028
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: **BGE Properties LLC** County: **Jackson**

A1. Applicant(s) seek(s) 0.0579 cfs from 1 well(s) in the Rogue Basin, Bear Creek subbasin

A2. Proposed use Supplemental Irrig. (21.8 acres) Seasonality: April 1st to Oct. 31st

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	JACK 62237	1	Bedrock	0.0579	37S/2W-33 NW-SW	82º38'27" E, NW cor DLC 95, 1324 ft
2						
3						
4						

* 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	1626	77	22	6/25/2015	120	0-38	0-98	NA	77-98	17		Air

Use data from application for proposed wells.

A4. **Comments:**

A5. ☒ **Provisions of the** Rogue (OAR 690-515) 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: The Rogue Basin rules contain no such provision.

A6. ☐ **Well(s) #** _____ , _____ , _____ , _____ , _____ , tap(s) an aquifer limited by an administrative restriction.
Name of administrative area:
Comments:

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) **7C (7-yr SWL); 7J; Medium 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 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:** The applicant's well would produce from a fractured bedrock aquifer system in metasedimentary units of the Applegate Group. Groundwater level measurements in adjacent observation wells do not show extensive year-on-year declines. Many wells in the fractured-rock aquifers in the Rogue basin located on topographic highs have shown declines in recent dry years, but the applicant's well sits at the transition to flat lowlands. There are no representative observation wells in the vicinity that show excessive declines. At this time, there is not a preponderance of evidence that the resource is over-appropriated.

There is moderate groundwater development to the northwest, but considering the requested rate and the nature of the aquifer (decomposed bedrock and local fracture systems), it is unlikely the proposed use will cause injury to senior users. There is a POA located less than 300 feet to the west (GR-2241), but it is located on the same tax lot. There is a likelihood of well-to-well interference, but because they have the same owner, this review does not consider the potential injury or interference to this particular POA.

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	**Fractured Bedrock of Applegate Group**	☒	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: The well log for Well 1 reports "first water" at 77 feet BLS and a SWL of 22 feet BLS, indicating confined conditions. Adjacent well logs report similar 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**	**Jackson Creek**	**1604**	**1525**	**5550**	☒	☐	☐	☐	☒
1	**2**	**Griffin Creek**	**1604**	**1440**	**7125**	☒	☐	☐	☐	☒
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: GW elevations are higher than SW elevations, indicating that groundwater is flowing towards, and discharging to, adjacent streams.

Note: the Medford Irrigation District reports that Daisy Creek does not flow consistently through summer months but carries water when used to convey appropriated water to downstream customers. As such, Daisy Creek is not considered in this review as a surface water source as per OAR 690-009.

Water Availability Basin the well(s) are located within: GRIFFIN CR > BEAR CR - AT MOUTH; PSI also evaluated for JACKSON CR > BEAR CR - AT MOUTH

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?
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

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?
			☐			☐		☐		☐
			☐			☐		☐		☐

Comments: There are no hydraulically connected surface water sources within 1 mile of the applicant's well.

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
1	**1**	<.1%	<1%	<1%	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%
Well Q as CFS		0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579
Interference CFS		<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001
(A) = Total Interf.		<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001
(B) = 80 % Nat. Q		4.54	2.86	1.65	0.57	0.33	0.27	0.3	0.71	3.11	6.1	7.6	7.03
(C) = 1 % Nat. Q		0.0454	0.0286	0.0165	0.0057	0.0033	0.0027	0.003	0.0071	0.0311	0.061	0.076	0.0703
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**

Non-Distributed Wells Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	**2**	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%	<.1%
Well Q as CFS		0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579	0.0579
Interference CFS		<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001
(A) = Total Interf.		<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001	<.001
(B) = 80 % Nat. Q		4.6	5.79	5.43	3.64	2.38	1.56	0.6	0.37	0.31	0.35	0.75	2.44
(C) = 1 % Nat. Q		0.046	0.0579	0.0543	0.0364	0.0238	0.0156	0.006	0.0037	0.0031	0.0035	0.0075	0.0244
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**	**<1 %**

(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: Pumping effects on adjacent surface water sources are evaluated using the Hunt (2003) stream depletion model with aquifer parameters representative of the local geology. Parameters and results for the closest well-surface water source combination are presented in Figure 4.

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 would access an aquifer system that has been determined to be hydraulically connected to adjacent surface water sources. The reviewer has not found a preponderance of evidence for the Potential for Substantial Interference (PSI) as per OAR 690-009.

References Used:

Hunt, B. 2003. *Unsteady Stream Depletion when Pumping from a Semiconfined Aquifer.* Journal of Hydrologic Engineering. Vol 8(1), pp 12-19

OWRD Groundwater Site Information System Database – Accessed 8/29/2023.

Wiley, T. J., J. D. McClaughry, and J. A. D'Allura. 2011. *Geologic Database and Generalized Geologic Map of Bear Creek Valley, Jackson County, Oregon*. Oregon Dept. of Geology and Mineral Industries. OFR O-11-11.

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

GRIFFIN CR > BEAR CR - AT MOUTH
ROGUE BASIN

Water Availability as of 8/13/2018

Watershed ID #: 71200 (Map) Exceedance Level: 80%
Date: 8/13/2018 Time: 10:35 AM

Water Availability Calculation | Consumptive Uses and Storages | Instream Flow Requirements | Reservations
Water Rights | Watershed Characteristics

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	4.60	0.03	4.57	0.00	10.00	-5.43
FEB	5.79	0.04	5.75	0.00	13.00	-7.25
MAR	5.43	0.03	5.40	0.00	11.00	-5.60
APR	3.64	0.14	3.50	0.00	7.00	-3.50
MAY	2.38	0.22	2.16	0.00	5.00	-2.84
JUN	1.56	0.31	1.25	0.00	3.00	-1.75
JUL	0.60	0.41	0.19	0.00	1.00	-0.81
AUG	0.37	0.34	0.03	0.00	0.50	-0.47
SEP	0.31	0.23	0.08	0.00	0.40	-0.32
OCT	0.35	0.08	0.27	0.00	0.50	-0.23
NOV	0.75	0.01	0.74	0.00	2.00	-1.26
DEC	2.44	0.02	2.42	0.00	7.00	-4.58
ANN	3,610.00	113.00	3,500.00	0.00	3,620.00	19.10

JACKSON CR > BEAR CR - AT MOUTH
ROGUE BASIN

Water Availability as of 8/13/2018

Watershed ID #: 71201 (Map) Exceedance Level: 80%
Date: 8/13/2018 Time: 10:35 AM

Water Availability Calculation | Consumptive Uses and Storages | Instream Flow Requirements | Reservations
Water Rights | Watershed Characteristics

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6.10	0.47	5.63	0.00	14.00	-8.37
FEB	7.60	0.58	7.02	0.00	17.00	-9.98
MAR	7.03	0.49	6.54	0.00	14.00	-7.46
APR	4.54	2.18	2.36	0.00	9.00	-6.64
MAY	2.86	3.50	-0.64	0.00	6.00	-6.64
JUN	1.65	4.92	-3.27	0.00	3.00	-6.27
JUL	0.57	6.60	-6.03	0.00	1.00	-7.03
AUG	0.33	5.43	-5.10	0.00	0.50	-5.60
SEP	0.27	3.55	-3.28	0.00	0.40	-3.68
OCT	0.30	1.13	-0.84	0.00	0.40	-1.23
NOV	0.71	0.09	0.62	0.00	2.00	-1.38
DEC	3.11	0.33	2.78	0.00	9.00	-6.22
ANN	4,610.00	1,780.00	3,810.00	0.00	4,570.00	0.00

Figure 2. Well Location Map

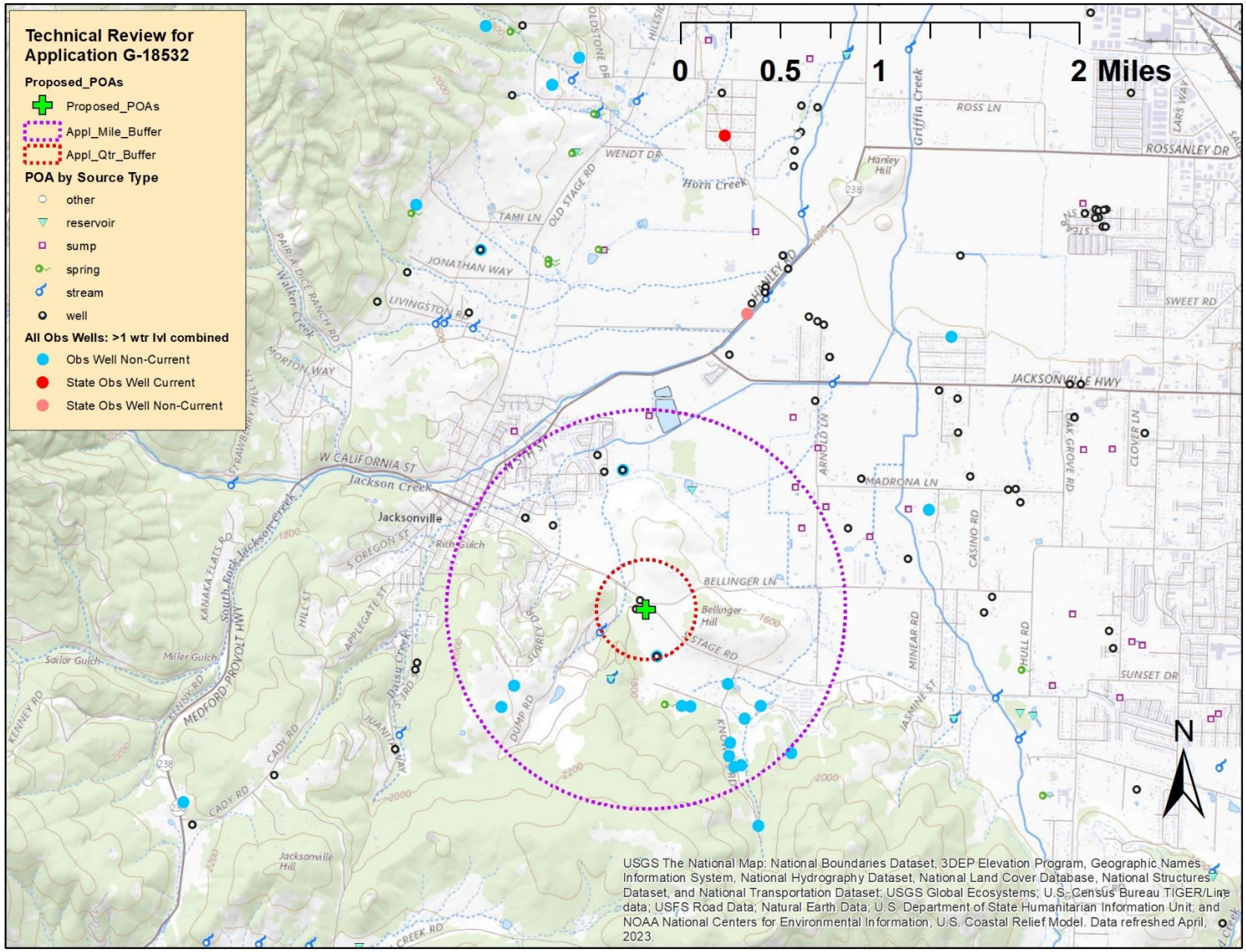


Figure 3. Water-Level Trends in Nearby Wells

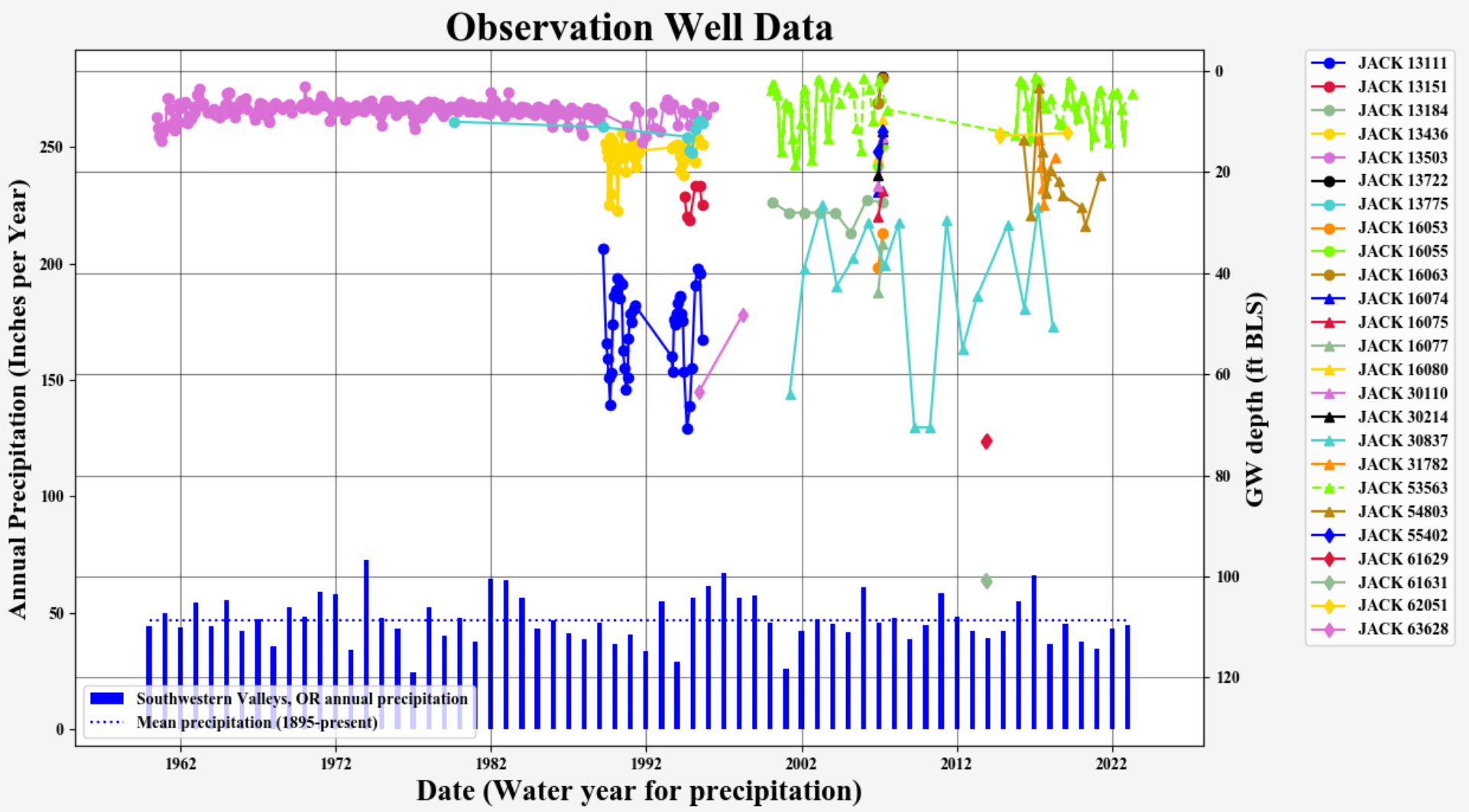


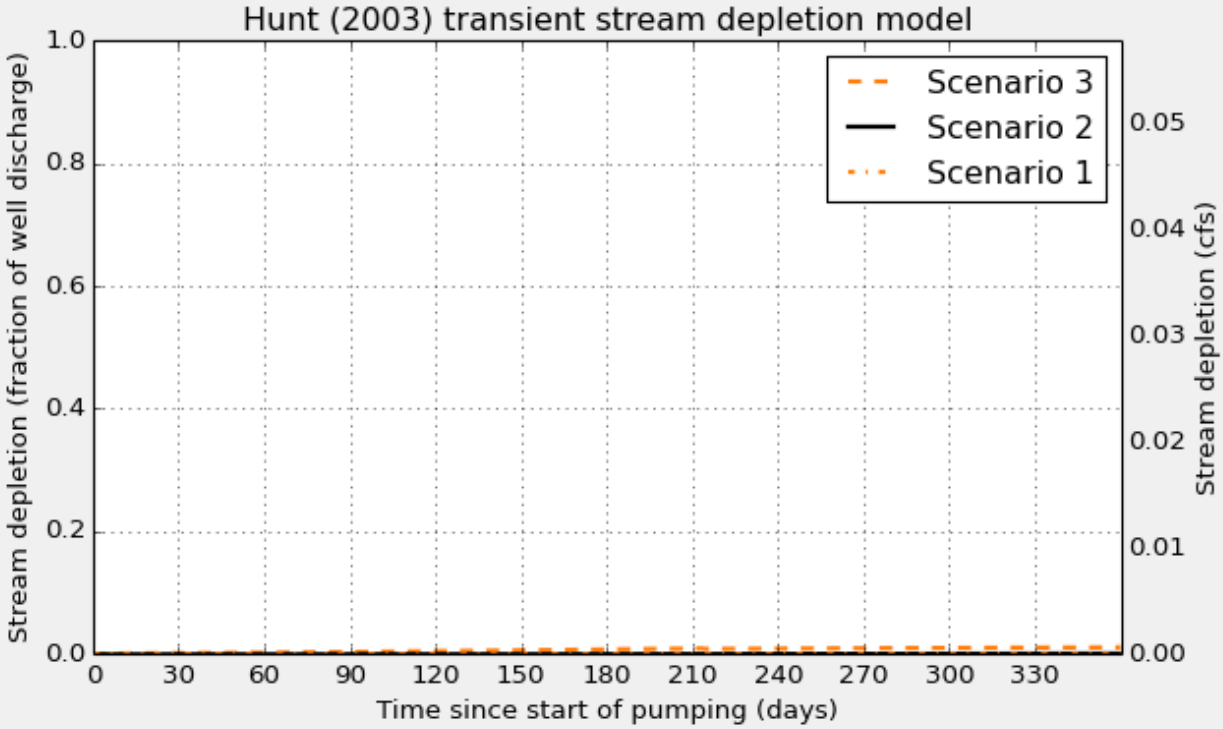
Figure 4. Stream Depletion Model

Application type:	G
Application number:	18532
Well number:	1
Stream Number:	1
Pumping rate (cfs):	0.0579
Pumping duration (days):	213

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	5550	5550	5550	ft
Aquifer transmissivity	T	500	1000	5000	ft2/day
Aquifer storativity	S	.1	.01	.001	-
Aquitard vertical hydraulic conductivity	Kva	0.05	0.05	0.05	ft/day
Aquitard saturated thickness	ba	20.0	20.0	20.0	ft
Aquitard thickness below stream	babs	3.0	3.0	3.0	ft
Aquitard specific yield	Sya	0.2	0.2	0.2	-
Stream width	ws	10	15	20	ft

Stream depletion for Scenario 2:

Days	10	30	60	90	120	150	180	210	240	270	300	330	360
Depletion (%)	0	0	0	0	0	0	0	0	0	0	0	0	0
Depletion (cfs)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00



OK. KLO

MEMO

To: Kristopher Byrd, Well Construction and Compliance Section Manager

From: Joel Jeffery, Well Construction Program Coordinator

Subject: Review of Water Right Application G-18532

Date: August 16, 2018

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

Applicant's Well #1 (JACK 62237): Based on a review of the Well Report, Applicant's Well #1 appears to protect the groundwater resource.

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