

Groundwater Application Review Summary Form

Application # G- 19338

GW Reviewer Dennis Orłowski Date Review Completed: 12/03/2023

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

December 3, 2023

TO: **Application G- 19338**

FROM: **GW: Dennis Orłowski**
 (Reviewer's Name)

SUBJECT: Scenic Waterway Interference Evaluation

YES The source of appropriation is hydraulically connected to a State Scenic Waterway or its tributaries

NO

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 December 3, 2023
 FROM: Groundwater Section Dennis Orlowski
 Reviewer's Name
 SUBJECT: Application G- 19338 Supersedes review of _____
 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: Paul and Susan Fobert County: Marion

A1. Applicant(s) seek(s) 0.16 cfs from one well(s) in the Willamette River Basin,
Pudding River subbasin

A2. Proposed use Primary & supplemental irrigation Seasonality: 3/1 – 10/31

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

POA 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	Proposed	Well G	Alluvium	0.16	T4S/R1W-26 SE-SE	2035' S, 1170' E fr NE cor DLC 63

* Alluvium, CRB, Bedrock

POA Well	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Drawdown (ft)	Test Type
1	250	0-50	0-250	--	TBD	TBD	TBD	TBD

POA Well	Land Surface Elevation at Well (ft amsl)	Depth of First Water (ft bls)	SWL (ft bls)	SWL Date	Reference Level (ft bls)	Reference Level Date
1	155	TBD	TBD	TBD	TBD	TBD

Use data from application for proposed wells.

A4. **Comments:** The proposed POA/POU are located approximately 2 miles east-northeast of Hubbard, Oregon in Marion County. The proposed use is for primary irrigation of 21.5 acres and supplemental irrigation of 95.7 acres, using groundwater from a single well (to be drilled, "Well G").

Note: in 2020 application G-18983 was submitted by the same applicant for primary irrigation of 29.2 acres adjacent to this application's POU. After reducing the requested rate and slightly revising a proposed POA location to avoid a PSI determination, permit G-18538 was issued for supplemental irrigation of the 29.2 acres using two wells to be drilled, "Well G" and "Well H", at a maximum combined rate of 0.16 cfs.

However, in 2022 transfer T-13915 application was submitted to remove "Well G" from permit G-18538; as of the date of this review that transfer has not been finalized, but it was assumed that the "Well G" POA location will no longer be associated with permit G-18538.

A5. **Provisions of the** Willamette 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: Because the proposed POA will obtain groundwater from a confined aquifer, the relevant Basin rules (OAR 690-502-0240) do not apply.

A6. **Well(s) #** _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction. Name of administrative area: N/A Comments: None.

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 (annual measurements); 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 alluvial 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:** Based on the proposed well construction, the POA (“Well G”) will obtain groundwater from water-bearing sand and gravel layers of the Willamette Aquifer and underlying Willamette Confining Unit (Gannett and Caldwell, 1998; Conlon and others, 2005; Woodward and others, 1998).

The nearest known alluvial wells are MARI 774 and MARI 1021, located about 1000 and 1100 feet from the proposed POA, respectively. MARI 774 is the authorized POA for irrigation certificate 29405, and MARI 1021 is the authorized POA for irrigation certificate 29402. MARI 774 is 140 feet deep, and MARI 1021 is 118 feet deep; thus, because both of these wells do not fully penetrate the alluvial aquifer system in this area, neither are subject to injury due to this proposed use.

The median reported well yield for nearby wells is about 60 gpm (~0.134 cfs), with a reported range from about 15 to 2000 gpm (~0.033 to 4.456 cfs). Thus the requested allocation (0.16 cfs, to 0.32 cfs if the proposed POA is also used for supplemental irrigation under permit G-18538) is within the range of yields reported for nearby wells. Groundwater level data is relatively sparse for this area, but available data do show relative stability (see attached hydrograph).

To protect senior users and the groundwater resource, the conditions specified in B1(d)(i) and B2(c) are recommended for any permit issued pursuant to this application.

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	Alluvium	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: Geologic mapping in this area estimates the top of the Willamette aquifer at ~60-80 ft amsl, while estimated water table elevations are ~100-120 ft amsl (Gannett and Caldwell, 1998; Woodward et al., 1998). Nearby well logs also report static water levels above the targeted water-bearing zones. The available evidence indicates the aquifer is confined.

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	Pudding River	100-120 ^a	90-95	1300	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	2	Unnamed tributary to Pudding River	100-120 ^a	90-150	1850	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	3	Rock Creek	100-120 ^a	90-95	3100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	4	Brandy Creek	100-120 ^a	95-105	4360	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: Estimated groundwater elevations near the proposed POA are coincident with or above surface water elevations for SW 1-4 within 1 mile of the proposed POA. Water table mapping in this area indicates discharge to surface water for SW 1-3. The available evidence indicates that the proposed POA are hydraulically connected to SW 1-4.

^a Groundwater elevations estimated from water table mapping (Woodward et al., 1998) and reported static water levels for nearby alluvial wells (see attached hydrograph).

Water Availability Basin the well(s) are located within: WID #151: Pudding River > Molalla River – above Mill 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 (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?
1	1	<input type="checkbox"/>	<input type="checkbox"/>	IS73533	16	<input type="checkbox"/>	67.30	<input type="checkbox"/>	<25%	<input type="checkbox"/>
1	2	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	67.30	<input type="checkbox"/>	<25%	<input type="checkbox"/>
1	3	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	67.30	<input type="checkbox"/>	<25%	<input type="checkbox"/>
1	4	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	67.30	<input type="checkbox"/>	<25%	<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: C3a: Prior stream depletion modeling in similar hydrologic settings indicate that interference with surface water is unlikely to exceed 25 percent of the pumping rate within 30 days of constant pumping.

C3b: not applicable.

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: 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:** None.

References Used:

Application Files: G-19338, G-18983.

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, Scientific Investigations Report 2005-5168: U. S. Geological Survey, Reston, VA.

Gannett, M.W. and Caldwell, R., 1998, Geologic framework of the Willamette Lowland aquifer system, Oregon and Washington, Professional Paper 1424-A, 32 p: U. S. Geological Survey, Reston, VA.

United States Geological Survey, 2014, National Hydrography Dataset (NHD), 1:24,000, U. S. Department of the Interior, Reston, VA.

United States Geological Survey, 2017, Woodburn quadrangle, Oregon [map], 1:24,000, 7.5 minute topographic series, U.S. Department of the Interior, Reston, VA.

Watershed Sciences, 2009, LIDAR remote sensing data collection, Department of Geology and Mineral Industries, Willamette Valley Phase I, Oregon: Portland, OR, December 21.

Woodward, D.G., Gannett, M.W., and Vaccaro, J.J., 1998, Hydrogeologic framework of the Willamette Lowland aquifer system, Oregon and Washington: U.S. Geological Survey Professional Paper 1424-B, 82 p.

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

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

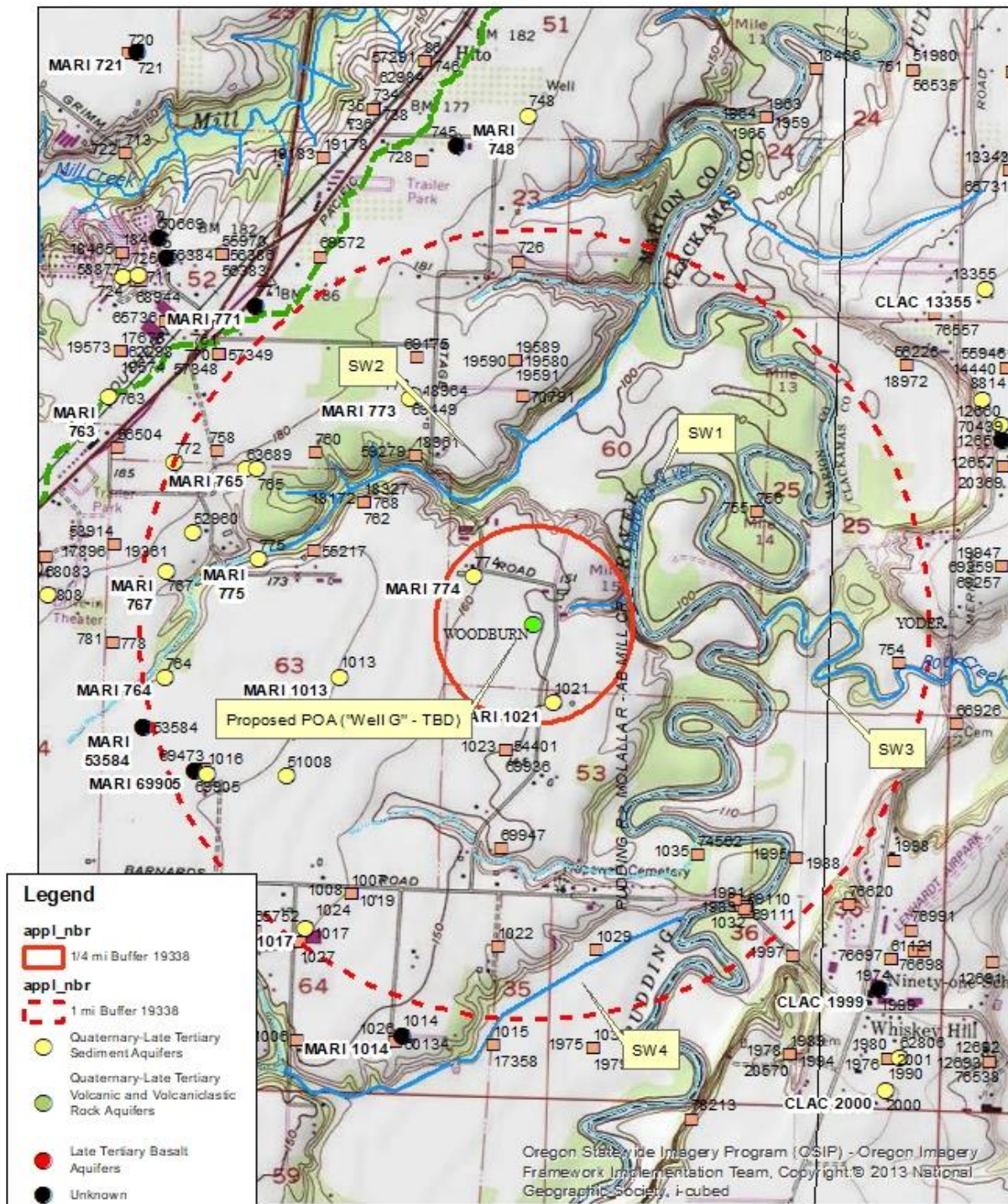
- a. review of the well log;
- b. field inspection by _____;
- c. report of CWRE _____;
- d. other: (specify) _____

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.**

Well Location Map

Application G-19338 Fobert T4S, R1W, Section 26



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Water Availability Table

Oregon Water Resources Department
Water Availability Analysis

Main Help
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Water Availability Analysis Detailed Reports

PUDDING R > MOLALLA R - AB MILL CR
WILLAMETTE BASIN
Water Availability as of 12/3/2023

Watershed ID #: 151 [\(Map\)](#)
Date: 12/3/2023

Exceedance Level: 80%
Time: 11:13 AM

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

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	1,040.00	125.00	915.00	0.00	36.00	879.00
FEB	1,180.00	114.00	1,070.00	0.00	36.00	1,030.00
MAR	1,010.00	76.50	934.00	0.00	36.00	898.00
APR	787.00	52.40	735.00	0.00	36.00	699.00
MAY	425.00	50.90	374.00	0.00	36.00	338.00
JUN	224.00	73.00	151.00	0.00	36.00	115.00
JUL	109.00	115.00	-5.87	0.00	36.00	-41.90
AUG	71.00	94.10	-23.10	0.00	36.00	-59.10
SEP	67.30	53.40	13.90	0.00	36.00	-22.10
OCT	91.60	11.50	80.10	0.00	36.00	-44.10
NOV	383.00	48.50	334.00	0.00	36.00	278.00
DEC	957.00	118.00	839.00	0.00	36.00	803.00
ANN	706,000.00	56,300.00	650,000.00	0.00	26,100.00	628,000.00

Water-Level Measurements in Nearby Wells

Observation Well Data

