

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date 04/28/2025

FROM: Ground Water/Hydrology Section Phillip I. Marcy
Reviewer's Name

SUBJECT: Application G- 16496 Supersedes review of 10/07/2005
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: LaGrande Farm, James Habberstad County: Union

- A1. Applicant(s) seek(s) 0.35 cfs from one well(s) in the Grande Ronde Basin,
Catherine Creek subbasin Quad Map: Conley
- A2. Proposed use: Irrigation Seasonality: March 1 to October 31
- 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	UNIO 51315	12	Alluvium	0.35	3S/39E-24 SW-SW	45.28537326 N, -117.89086031 W

* 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
12	2694	12	12	2/14/03	368	0-55	0-368	None	118-178 228-238 328-358	200	?	Air

Use data from application for proposed wells.

A4. Comments: See reviews for files G-16172, G-16368 & G-16446. This filing is intended to increase the legal production for well #12 by applying for a rate just below 1% of natural flow of Catherine Creek. The well location was again not provided in the required form for this file (location here is provided in decimal degrees without any datum or reference to a section corner).

This re-review was completed to match the current approach to determining groundwater over-appropriation status in accordance with the guidance provided in an internal memo dated February 6, 2023. Technical findings from the original review have not changed. As noted in the original review language, the proposed POA well "Well 12" has previously been authorized under Permit G-15964 (application G-16368) for production of 0.35 CFS. The applicant is also proposing 0.35 CFS of additional pumping under application G-16446, taking advantage of Division 9 rules allowing hydraulically connected groundwater to be appropriated under the threshold of 1% of the 80% exceedance rate of the nearest connected watershed.

A5. ☒ **Provisions of the Grande Ronde** 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) _____;
 - 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:** At the time of application, groundwater data for the area surrounding the proposed use was sparse. Data available at that time do not support a finding of over-appropriation. This evaluation does not pertain to the finding of hydraulic connection with the Grande Ronde Scenic Waterway or diminish the possibility of impacts to Catherine Creek or the Grande Ronde River flows.

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
12	Alluvium	☐	☒

Basis for aquifer confinement evaluation: Ham (1966) indicates that short-term aquifer testing usually results in semiconfined to confined aquifer parameters, but other data and a long-term test indicate that the aquifer exhibits unconfined characteristics.

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
12	1	Catherine Creek	2682	2682	4500	☒	☐	☐	☐	☒

Basis for aquifer hydraulic connection evaluation: Based on the direction of ground-water flow, hydraulic connection is more likely with Catherine Creek than with Phys Slough.

Water Availability Basin the well(s) are located within: Catherine Cr > Grande Ronde R at mouth (30810408)

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?
12	1	☐	☐			☐	35.4 (Oct.)	☒ *	<<25%	☒
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

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: Used the combined rate of 1.05 CFS from this application, application G-16446, and authorization permit G-15964. Impacts at 30 days are near zero when considering fine-grained horizons between the productive aquifer and the stream (Hunt 2003), and the distance between the stream at the POA well.

[illegible]

Basis for impact evaluation: This section does not apply.

[illegible]

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:
- ☒ The permit should contain condition #(s) 7J;
 - ☐ The permit should contain special condition(s) as indicated in "Remarks" below;

C6. **SW / GW Remarks and Conditions** This is the fourth recent filing on this well. The applicant is taking advantage of the Division 9 rule thresholds regarding the rate of appropriation as compared to the natural streamflow to avoid a finding of PSI. I believe that the Department should strongly consider either denial of the permit or, if a permit is issued, place limitations on the maximum production rate of this well to limit interference with Catherine Creek. I suggest that the permit recognize the earlier permits and limit the rate to 0.35 cfs under any combination of these permits.

Using the combined rate on this application, application G-16496, and existing authorization permit G-15964 (0.35 CFS X 3 = 1.05 CFS), the proposed use is above the threshold for a PSI finding under Division 9 rules for interference with nearby surface water.

References Used: Development Potential of Ground Water in the Grande Ronde Valley, Union County, Oregon, Ham, 1966; local well logs; Files G-6578, G-16172, G-16368 & G-16446.

Iverson, J.I. 2023, Clarification of current policy for determining over-appropriation in section B1a of the PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS.

GWIS Measured Water Level Database, accessed April 10, 2025

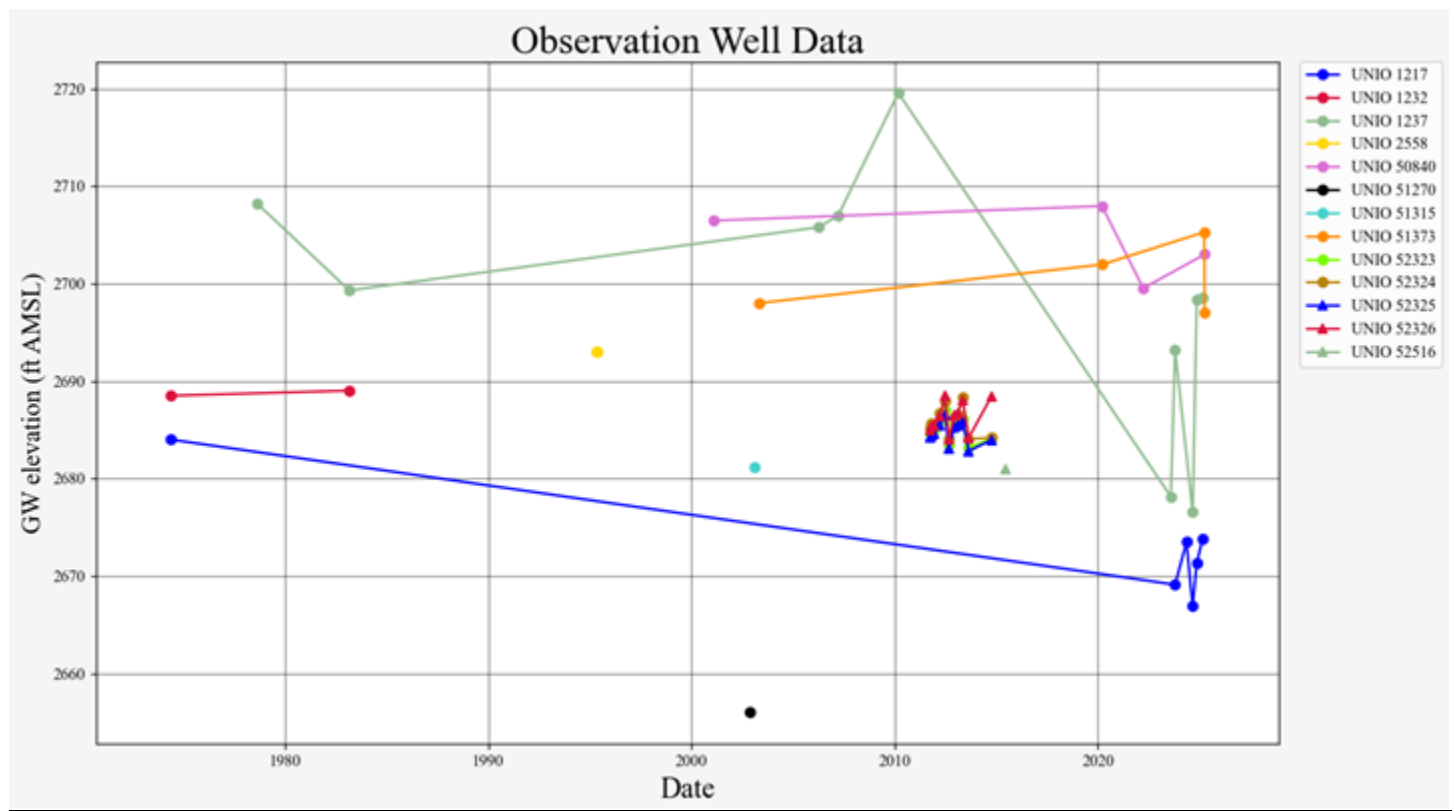
Hunt, B., 2003, Unsteady stream depletion when pumping from semiconfined aquifer: Journal of Hydrologic Engineering, January/February, 2003.

D. WELL CONSTRUCTION, OAR 690-200

- D1. Well #: 12 Logid: UNIO 51315
- 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).**
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Transient Stream Depletion (Jenkins, 1970; Hunt, 1999, 2003)

UNIO 51315 to Catherine Creek

