Water Right Conditions Tracking Slip

FILE ## G-/7062
ROUTED TO: Water Rights / Jeans
RANGE-SECTION: 235/33E-5+6
CONDITIONS ATTACHED? [Myes [] no REMARKS OR FURTHER INSTRUCTIONS:

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS TO: Water Rights Section Date September 12, 2008 FROM: Ground Water/Hydrology Section Mike Zwart Reviewer's Name Supersedes review of SUBJECT: Application G- 17062 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: Vetter Enterprises, LLC County: Harney Applicant(s) seek(s) 9.0 cfs from 4 well(s) in the Malheur Lake A1. Basin, Malheur Slough subbasin Quad Map: Warm Springs Butte Irrigation Seasonality: March 1 – October 31 A2. Proposed use: A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid): Applicant's Proposed Location Location, metes and bounds, e.g. Well Logid Proposed Aquifer* Well# Rate(cfs) (T/R-S QQ-Q) 2250' N, 1200' E fr NW cor S 36 Proposed Basin Fill 9.0 25S/33E-5 NW-NE 1215' S, 1450' W fr NE cor S 5 1 2 Proposed 2 Basin Fill 9.0 25S/33E-5 NW-NW 1215' S, 1215' E fr NW cor S 5 3 Proposed 3 Basin Fill 9.0 25S/33E-6 NE-NE 1215' S, 1215' W fr NW cor S 5 4 Proposed 4 Basin Fill 9.0 25S/33E-6 SE-SE 1215' N, 1190' W fr SW cor S 5 5 Alluvium, CRB, Bedrock Well Well Seal Casing Liner Perforations Well Draw First **SWL** SWL Test Well Elev Depth Interval Intervals Intervals Or Screens Yield Down Water ft bls Date Type ft msl ft bls (ft) (ft) (ft) (ft) (ft) (gpm) (ft) 4105 40 Est. 250 0-20 Est 0-100 4105 Est. 250 0-20 Est 0-100 2 40 Est. 250 0-20 Est 0-100 3 4102 40 Est. 300 Est 0-100 4 4102 0-20 Use data from application for proposed wells. Comments: All construction information is proposed. A4. 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. A5. Provisions of the Malheur Lake (Not all basin rules contain such provisions.)

____, ____, ____, tap(s) an aquifer limited by an administrative restriction.

Comments:

Name of administrative area:

A6. Well(s) #

Comments:

Version: 08/15/2003

application: G- 170	62 continued	Date:	<u>September 12, 2008</u>
C. GROUND WATE	R/SURFACE WATER CONSIDER	ATIONS, OAR 690-09-04	<u> 10</u>

C1.	690-09-040	(1):	Evaluation of	of aquifer	confineme	nt
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Aquifer or Proposed Aquifer	Confined	Unconfined
Basin-fill sediments (Qal and Tvs of GW Report #16)		

Basis for aquifer confinement evaluation:	Ground water in the basin fill is regionally unconfined and hydraulically
connected to surface water sources, including	ing Malheur and Harney Lakes.

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	Potentia Subst. Int Assum YES	terfer.
1	1	Unnamed trib. to Malheur Slough	4090±	4105	90			\boxtimes
2	1	Unnamed trib. to Malheur Slough	4090±	4105	170			\boxtimes
3	1	Unnamed trib. to Malheur Slough	4090±	4105	900			\boxtimes
4	1	Unnamed trib. to Malheur Slough	4090±	4105	400			\boxtimes
1	2	Malheur Slough	4090±	4100	5840			\boxtimes
2	2	Malheur Slough	4090±	4100	3550			\boxtimes
3	2	Malheur Slough	4090±	4100	1980			\boxtimes
4	2	Malheur Slough	4090±	4100	1920			\boxtimes
							C- 14/1/1	

Basis for aquifer hydraulic connection evaluation: _	Ground water likely is discharging to lower reaches of Malheur
Slough and/or Malheur Lake. Malheur Slough is dr	y in most years and therefore is not considered for Division 9
reviews, per memo by Ivan Gall, January 15, 2008.	

Water Availability Basin the well(s) are located within:	31200101 MALHEUR SL > MALHEUR L- 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?
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plica	ation: G- <u>17062</u>	continued	Date:	September 12, 2008
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	690-09-040 (5) (b) T Rights Section.	he potential to impair or detrimen	ntally affect the public inte	
	under this permit can b	ed, the surface water source(s) can be regulated if it is found to substanti	e adequately protected from ially interfere with surface w	interference, and/or ground water uater:
	i. The permi	t should contain condition #(s)t should contain special condition(s)	as indicated in "Damorks" h	polovy
	n. 🗀 The permi	t should contain special condition(s)	as marcated in Remarks (delow,
SV	V / GW Remarks and C	Conditions:		
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<u>19'</u>	70; Greene, Walker, an	well logs; local recent reviews, es d Corcoran, 1972, Geologic Map	of the Burns Quadrangle,	Oregon, USGS Miscellaneous
	ologic Investigations Natheur Lakes Basin.	lap I-680; Memo by Ivan Gall, 1/1	5, 2008, Stream Assessmen	it for Division 9 Review in the
TATE	anicui Lanes Dasilli			
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Date: September 12, 2008

7

Detailed Reports

MALHEUR SL> MALHEUR L- AT MOUTH MALHEUR LAKE BASIN

Water Availability as of 9/3/2008

Watershed ID #: 31200101

Exceedance Level:

0%

Date: 9/3/2008

Time: 8:37 PM

Water Availability Calculation Consumptive Uses and Storages

Instream Requirements

Reservations

Water Rights

Watershed Characteristics

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirement	Net Water Available
Jan	5.47	0.73	4.74	0.00	0.00	4.74
Feb	17.90	2.06	15.80	0.00	0.00	15.80
Mar	45.20	11.20	34.00	0.00	0.00	34.00
Apr	84.80	36.40	48.40	0.00	0.00	48.40
May	40.20	80.00	-39.80	0.00	0.00	-39.80
Jun	21.80	65.70	-43.90	0.00	0.00	-43.90
Jul	4.82	25.30	-20.40	0.00	0.00	-20.40
Aug	1.83	12.20	-10.40	0.00	0.00	-10.40
Sep	1.31	7.02	-5.71	0.00	0.00	-5.71
Oct	1.08	3.03	-1.95	0.00	0.00	-1.95
Nov	2.01	0.36	1.65	0.00	0.00	1.65
Dec	3.61	0.51	3.10	0.00	0.00	3.10
Storage Acre-Feet at 50%	32,800.00	14,800.00	23,800.00	0.00	0.00	23,800.00

WATER RESOURCES DEPARTMENT **MEMO** Application G- 17062 TO: FROM: SUBJECT: Scenic Waterway Interference Evaluation YES The source of appropriation is within or above a Scenic Waterway NO YES Use the Scenic Waterway condition (Condition 7J) NO Per ORS 390.835, the Ground Water 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 Ground Water 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 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