

**PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS**

TO: Water Rights Section Date December 8, 2009

FROM: Ground Water/Hydrology Section Josh Hackett  
Reviewer's Name

SUBJECT: Application G- 17267 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 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:** TA Operating LLC **County:** Marion

A1. Applicant(s) seek(s) 0.178 cfs from 1 well(s) in the Willamette Basin,  
 \_\_\_\_\_ subbasin Quad Map: Woodburn

A2. Proposed use: commercial 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	Proposed well	1	alluvium	0.178	4S/1W-9 NE-SE	475' S, 2260' E fr C1/4 cor S 9
2						
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
<b>1</b>	<b>192</b>		<b>75 est.</b>		<b>~240</b>	<b>0-35</b>	<b>0-240</b>		<b>200-240</b>			

Use data from application for proposed wells.

A4. **Comments:** \*The applicant requested reviews for both the alluvial and the basalt aquifer systems. This review examines only the alluvial system. The review for the basalt aquifer system is located in S:\groups\gwater\applications\G 17000 17999\G17267 TA Operating basalt.

The property on this application may already be covered by a groundwater right (see permit G-11856).

A5.  **Provisions of the** Willamette 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: The applicant's proposed well will produce from a confined aquifer, so the pertinent basin rules do not apply.

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) 7B, 7C;
  - 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 alluvial 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: \_\_\_\_\_

The applicant’s proposed well will be located in an area that contains mostly fine-grained alluvial sediments from land surface to a depth of approximately 80 feet. Approximately 50 feet of water-bearing sands and gravels is found beneath the fine-grained alluvial sediments. Basalt flows of the Columbia River Basalt Group are found below a depth of approximately 190 feet.

Water levels in nearby wells show no obvious signs of declines (see attached hydrograph).

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**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
<b>1</b>	<b>alluvial</b>	<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"/>

**Basis for aquifer confinement evaluation:** Water levels in nearby wells rise above the elevation of water bearing zones. Additionally, water bearing zones in nearby wells are confined by 50 feet of fine grained sediments. These factors indicate the applicant's proposed well will produce from a confined aquifer.

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
<b>1</b>	<b>1</b>	<b>Senecal Creek</b>	<b>145</b>	<b>120-150</b>	<b>4000</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>1</b>	<b>2</b>	<b>Deer Creek</b>	<b>145</b>	<b>130</b>	<b>4500</b>	<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"/>
						<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"/>

**Basis for aquifer hydraulic connection evaluation:** Water levels in nearby wells are coincident with local surface water sources. Additionally, water table maps indicate groundwater discharges to local surface water sources. These factors indicate hydraulic connection between the groundwater and surface water systems.

**Water Availability Basin the well(s) are located within:** 30200901: MILL CR > PUDDING R – 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?
<b>1</b>	<b>1</b>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<b>1.88</b>	<input checked="" type="checkbox"/>	<b>&lt;&lt;25%</b>	<input checked="" type="checkbox"/>
<b>1</b>	<b>2</b>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<b>1.88</b>	<input checked="" type="checkbox"/>	<b>&lt;&lt;25%</b>	<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"/>
		<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:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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.

<b>Non-Distributed Wells</b>													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
<b>Distributed Wells</b>													
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													
<b>(A) = Total Interf.</b>													
<b>(B) = 80 % Nat. Q</b>													
<b>(C) = 1 % Nat. Q</b>													
<b>(D) = (A) &gt; (C)</b>		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>(E) = (A / B) x 100</b>		%	%	%	%	%	%	%	%	%	%	%	%

(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:** \_\_\_\_\_  
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**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:** \_\_\_\_\_

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**References Used:** \_\_\_\_\_

Gannett, Marshall W., and Caldwell, Rodney R., 1998, Geologic Framework of the Willamette Lowland Aquifer System, Oregon and Washington: U. S. Geological Survey Professional Paper 1424-A, 32p, 8 plates.

Conlon and others, 2005, Ground-water hydrology of the Willamette Basin, Oregon: U.S Geological Survey Scientific Investigations Report 2005-5168.

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**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).**

\_\_\_\_\_

**Water Availability Tables****MILL CR > PUDDING R - AT MOUTH  
WILLAMETTE BASIN**

Water Availability as of 10/26/2009

Watershed ID #: 30200901

Exceedance Level:  

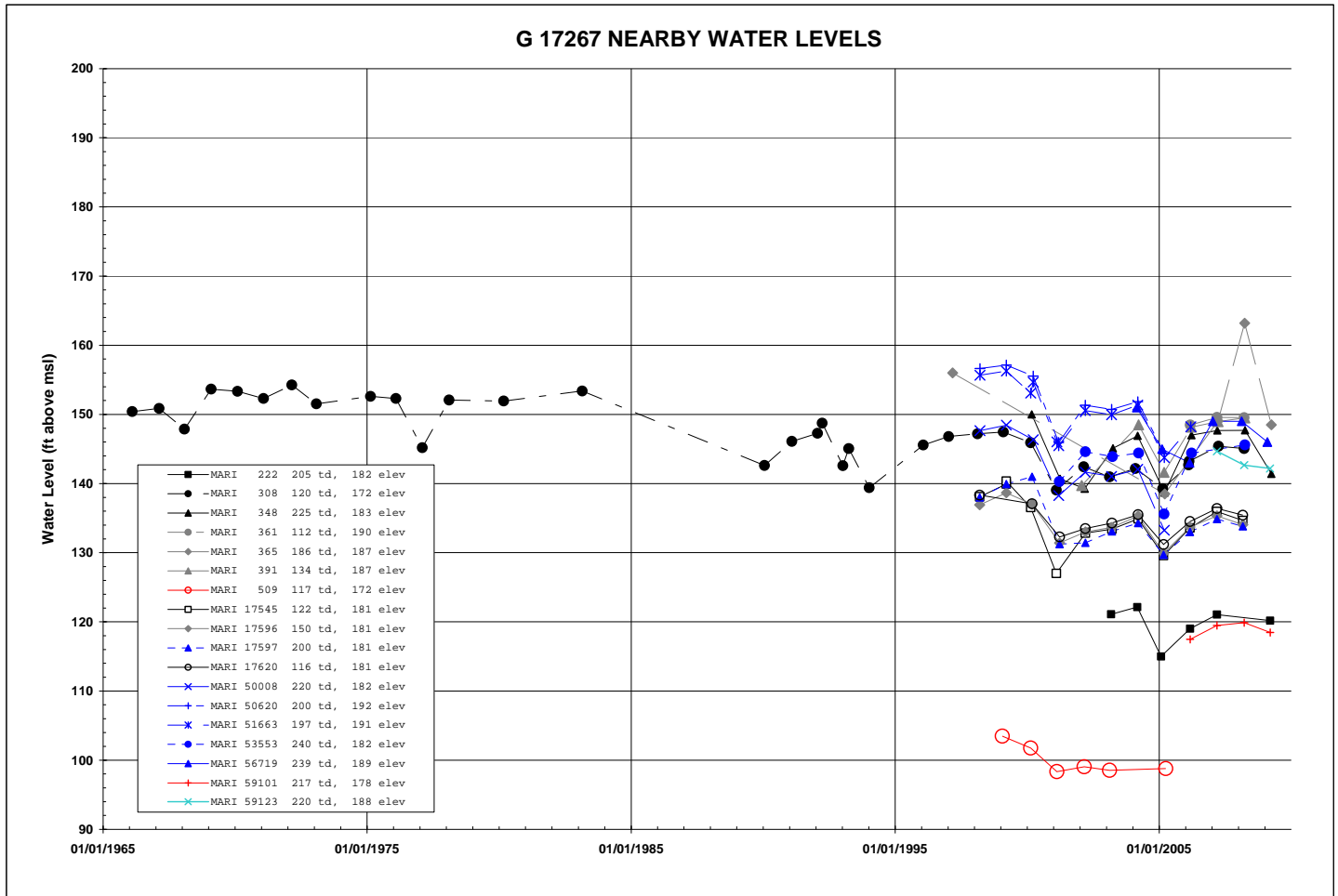
Date: 10/26/2009

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**Water Availability Calculation**Monthly Streamflows in Cubic Feet per Second  
Storage 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	39.20	10.40	28.80	0.00	0.00	28.80
FEB	53.90	10.50	43.40	0.00	0.00	43.40
MAR	38.40	10.10	28.30	0.00	0.00	28.30
APR	27.60	7.62	20.00	0.00	0.00	20.00
MAY	13.70	6.11	7.59	0.00	0.00	7.59
JUN	8.72	7.33	1.39	0.00	0.00	1.39
JUL	3.79	10.80	-7.01	0.00	0.00	-7.01
AUG	2.09	8.87	-6.78	0.00	0.00	-6.78
SEP	1.88	5.06	-3.18	0.00	0.00	-3.18
OCT	2.39	1.76	0.63	0.00	0.00	0.63
NOV	6.05	7.78	-1.73	0.00	0.00	-1.73
DEC	25.90	10.20	15.70	0.00	0.00	15.70

**Water Levels in Nearby Wells**





Well Location Map

