PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date **May 31, 2011**

FROM: Ground Water/Hydrology Section **J. Hackett**
Reviewer's Name

SUBJECT: Application G- **17442** Supersedes review of **April 25, 2011*****
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: **Robert Heald** County: **Linn**

A1. Applicant(s) seek(s) **0.30** cfs from **2** well(s) in the **Willamette River** Basin, _____ subbasin Quad Map: **Riverside**

A2. Proposed use: **Irrigation** Seasonality: **March 1 – 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	**Proposed**	**2**	**Alluvium**	**0.30**	**11S/04W-32 SW SW**	**520' S, 625' E fr SW cor DLC 68**
2	**Proposed**	**3**	**Alluvium**	**0.30**	**11S/04W-32 NW SW**	**55' S, 1550' E fr SW cor DLC 68****
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
1	**223**				**60 est.**	**0-18 est.**	**0-55 est.**					
2	**220**				**60 est.**	**0-18 est.**	**0-55 est.**					

Use data from application for proposed wells.

A4. **Comments:** **The original proposed location for Well #3 was 1070'S, 1030'E fr SW cor DLC 68. In a letter to the department dated April 19, 2011, the applicant requested the proposed location for Well #3 be changed to 55'S, 1550'E fr SW cor DLC 68. The conclusions of this review are based on the revised location.

***The review dated April 25, 2011 contained an error in Table c3a. The potential for substantial interference box in row 1 should have been checked because the well is <1/4 mile from Owl Creek. The error has been fixed in this review.

A5. ☒ **Provisions of the Willamette River** 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 wells 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**;
   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:** The applicant's wells are located in an area that contained mostly fine-grained sediments from land surface to a depth of 20-30 feet. A 10-15 feet thick sand and gravel layer underlies the fine-grained sediments. 100-140 feet of fine-grained sediments is found at beneath the sand an gravel. Most nearby wells produce water from the sand and gravel layer.

Water levels in nearby wells show not obvious signs of declines.

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
1	**Alluvial – Sand and Gravel**	☒	☐
2	**Alluvial – Sand and Gravel**	☒	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: Water levels in nearby wells rise above water-bearing zones, indicating 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**	**Owl Creek**	**220 - 200**	**205**	**325**	☒	☐	☐	☐	☒
1	**2**	**Willamette River**	**220 - 200**	**198**	**7100**	☒	☐	☐	☐	☒
2	**1**	**Owl Creek**	**220 - 200**	**205**	**1350**	☒	☐	☐	☐	☒
2	**2**	**Willamette River**	**220 - 200**	**198**	**6700**	☒	☐	☐	☐	☒
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: Ground water levels are above or near surface water levels. The soils and/or clays overlying the aquifer act as a confining layer but allow water to move between the sands and the stream.

Water Availability Basin the well(s) are located within: 30200321 WILLAMETTE R > COLUMBIA R – AB PERIWINKLE CR AT GAGE 14174

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?
1	**1**	☒	☐	**n/a**		☐	**2540**	☐	**<25%**	☒
2	**1**	☐	☐	**n/a**		☐	**2540**	☐	**<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: Modeling in similar circumstances suggests that due to the likely presence of fine-grained sediments in the bed of Owl Creek, impacts due to pumping will be <25% after 30 days.

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													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
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: Impacts to the Willamette River were not evaluated because the requested rate is less than 1% of the natural flow for any given month.

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**

References Used: **See conceptual model discussion for more details.**

Gannett and Caldwell, 1998, Geologic Framework of the Willamette Lowland Aquifer System, Oregon and Washington, USGS Professional Paper 1424-A

Woodward, Gannett and Vaccaro, 1998, Hydrogeologic Framework of the Willamette Lowland Aquifer System, Oregon and Washington, USGS Professional Paper 1424-B

Walton, William, 1962, Selected Analytical Methods for Well and Aquifer Evaluation, Bulletin 49, Illinois State Water Resources.

Freeze and Cherry, 1979, Groundwater, Prentice-Hall, Inc.

Conlon and Others, 2005, Ground-Water Hydrology of the Willamette Basin, Oregon, Scientific Report 2005-5168, USGS.

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

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

WILLAMETTE BASIN

Water Availability as of 4/25/2011

Watershed ID #: 30200321

Exceedance Level: 80%

Date: 4/25/2011

Time: 8:14 AM

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	10,100.00	1,330.00	8,770.00	0.00	1,750.00	7,020.00
FEB	11,600.00	4,240.00	7,360.00	0.00	1,750.00	5,610.00
MAR	11,000.00	4,520.00	6,480.00	0.00	1,750.00	4,730.00
APR	9,760.00	4,220.00	5,540.00	0.00	1,750.00	3,790.00
MAY	8,430.00	2,490.00	5,940.00	0.00	1,750.00	4,190.00
JUN	5,360.00	790.00	4,570.00	0.00	1,750.00	2,820.00
JUL	3,270.00	592.00	2,680.00	0.00	1,750.00	928.00
AUG	2,560.00	540.00	2,020.00	0.00	1,750.00	270.00
SEP	2,540.00	460.00	2,080.00	0.00	1,750.00	330.00
OCT	2,860.00	230.00	2,630.00	0.00	1,750.00	880.00
NOV	4,170.00	314.00	3,860.00	0.00	1,750.00	2,110.00
DEC	8,150.00	336.00	7,810.00	0.00	1,750.00	6,060.00
ANN	7,460,000.00	1,200,000.00	6,260,000.00	0.00	1,270,000.00	5,000,000.00

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF184A	APPLICATION	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00
Maximum													

Well Location Map