

Final Order

Extension of Time for Permit Number G-12327

Permit Holder: James Butsch

Permit Information

Application File G-12409 / Permit G-12327

Basin: 02 - Willamette Basin / Watermaster District: 16
Date of Priority: February 8, 1991, for Wells 1 through 5
and December 2, 1993, for Well 7

Authorized Use of Water

Source of Water: Six Wells in the Bochsler Creek Basin
Purpose or Use: Irrigation of 15.0 acres and Supplemental Irrigation of 332.8 acres
Maximum Rate: 4.35 cubic feet per second (cfs)

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.482(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

On April 22, 2004, the permit holder submitted an application to the Department for an extension of time for permit number G-12327. The Department issued permit number G-12327 on March 18, 1996. The permit called for completion of construction of the water development project by October 1, 1998, and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-315-0050(2), on July 26, 2005, the Department issued a Proposed Final Order proposing to deny an extension of time in which to complete construction of the water system. The protest period closed September 9, 2005, in accordance with OAR 690-315-0060(1). A protest from the permit holder was filed with the Department on September 6, 2005. Permit G-12327 contained the following condition:

“No water may be appropriated under the terms of this permit until Well #1 is reconstructed according to current well construction standards, and until Wells #2 and #5 are proven to show no commingling. Proof of having met these requirements must be filed with the Enforcement Section of the Water Resources Department.”

The first part of the condition, “No water may be appropriated...until Well #1 is reconstructed according to current well construction standards” has been met. Pursuant to instruction from the department, on October 17, 2011, Well #1 (MARI 2979 and MARI 2980) was abandoned from 203 feet to 700 feet below land surface. Production from that well is now limited to the alluvial aquifer, and now meets well construction standards.

The second part of the condition, “No water may be appropriated...until Wells #2 and #5 are proven to show no commingling” has also been met. A memo to the file from Josh Hackett, department hydrogeologist, dated December 21, 2010, made the following findings.

“Well Construction Information: Well #2 (MARI 2977) is 669 feet deep. The well is sealed to a depth of 20 feet below land surface (bls) and cased to a depth of 384 feet bls. The well log does not indicate any perforations in the casing. The Columbia River Basalt Group (CRBG) aquifer system is first encountered in the well at a depth of 399 feet bls. The well encounters sticky grey and green clay at a depth of 665 feet bls. This clay could be an interbed in the CRBG aquifer system or the top of the Low-Yield Bedrock aquifer system.

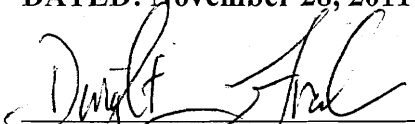
Well #5 (MARI 2193) is 480 feet deep. The well is sealed to a depth of 18 feet bls and cased to a depth of 333 feet bls. The well log does not indicate any perforations in the casing. The CRBG aquifer system is present in the well from 306 feet bls to maximum depth.

Water Level and Pump Test Data: Static water level elevations in both MARI 2977 and MARI 2193 are consistent with nearby wells that produce from the CRBG aquifer system (Figure 1). Additionally, data from an aquifer test conducted by OWRD staff in May 2009 show that water levels in MARI 2193 respond almost immediately to pumping in nearby CRBG well MARI 19262 (Figure 2).

Findings: Static water level and pump test data presented above indicate that MARI 2977 and MARI 2193 produce water from the CRBG aquifer system. Although the wells are not sealed into the CRBG, significant clay layers in the alluvial aquifer appear to impede the movement of water from the alluvial aquifer down the outside of the casing and thereby likely prevent commingling between the alluvial and CRBG aquifers. MARI 2977 encounters clay layers between 322 to 337 feet bls and the well casing is set to a depth of 384 feet bls in a clay and rock layer that directly overlies the CRBG aquifer. The well casing for MARI 2193 is set 2 feet into basalt at a depth of 332 feet bls, which is directly overlain by a significant clay layers occurring from 266 to 330 feet bls. Evidence that the wells are probably not commingling is found in static water level elevations that are nearly identical with nearby basalt wells. If water were able to leak down the outside of the casing, water levels in the wells would likely be closer to elevations in nearby alluvial wells.”

completing construction of the water system is extended to October 1, 2013. The deadline for applying water to full beneficial use is extended to October 1, 2013.

DATED: November 28, 2011



Dwight French, for
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0827.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.