

# Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # G-17595

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 175/2.W-21

CONDITIONS ATTACHED?:  yes  no

REMARKS OR FURTHER INSTRUCTIONS:

see conditions on p 2.

Reviewer: J. Hackett



**PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS**

TO: Water Rights Section Date May 6, 2013

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

SUBJECT: Application G- 17595 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: Martin Merlau County: Lane

A1. Applicant(s) seek(s) 0.07 cfs from 2 well(s) in the Willamette Basin,  
 \_\_\_\_\_ subbasin Quad Map: Springfield

A2. Proposed use Nursery Operations 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	LANE 10585	1	Bedrock	0.07	17S/2W-21 NW-SE	810' S, 495' E fr C1/4 cor S 21
2	LANE 10584	2	Bedrock	0.07	17S/2W-21 NW-SE	900' S, 860' E fr C1/4 cor S 21
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	562		25	12/13/1968	300	0-18	+1-19			10		A
2	550		1	03/26/1969	220	0-20	0-21			6		A

Use data from application for proposed wells.

A4. **Comments:** \_\_\_\_\_  
 \_\_\_\_\_

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 wells 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, 7N;
  - 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 contains several hundred feet of low-yield Early Western Cascades volcanic rocks. The applicant’s wells produce water from fractures within these low-yield volcanic rocks. The low-yield aquifer system is characterized by large amounts of drawdown and production rates typically less than 10 gpm.

\_\_\_\_\_

No water-level data is available to assess the stability of the groundwater system. This suggests the need for long-term monitoring.

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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
1	Low-yield bedrock (Western Cascades volcanics)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Low-yield bedrock (Western Cascades volcanics)	<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"/>

**Basis for aquifer confinement evaluation:** Water levels in nearby wells are above the level of water-bearing zones. This suggests the aquifer is confined which is consistent with general knowledge about the low-yield bedrock aquifer system.

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
1	1	McKenzie River	540	480-470	1030	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	1	McKenzie River	540	480-470	975	<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"/>

**Basis for aquifer hydraulic connection evaluation:** The reported water levels on the well logs for the applicant's wells are equivalent to a water-level elevation of approximately 540 feet. This indicates water levels are locally above the elevation of the McKenzie River, and suggests groundwater flows toward the river.

**Water Availability Basin the well(s) are located within:** 528: MCKENZIE R > WILLAMETTE R - AB 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?
1	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MF528A	1025.00	<input type="checkbox"/>	1730.00	<input type="checkbox"/>	<25%	<input checked="" type="checkbox"/>
2	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MF528A	1025.00	<input type="checkbox"/>	1730.00	<input type="checkbox"/>	<25%	<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:** No model is readily available to estimate impacts to streams by the pumping of a well in a fractured system. However, because of the low permeability and porosity of the Western Cascades volcanics aquifer system, pumping impacts are likely to be localized to a relatively small area around the wells. Therefore, impacts to the McKenzie River are likely to be less than 25% of the pumping rate after 30 days of pumping.

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

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

Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5168.

Gannett, M.W. and Caldwell, R., 1998, Geologic framework of the Willamette Lowland aquifer system, Oregon and Washington: U.S. Geological Survey Professional Paper 1424-A, 32p.

McCloughry, J.D., Wiley, T.J., Ferns, M.L., and Madin, I.P., 2010, Digital geologic map of the Southern Willamette Valley, Benton, Lane, Linn, Marion, and Polk counties, Oregon: DOGAMI Open File Report O-10-03, 116p.

Woodward, D.G., Gannett, M.W., and Vaccaro, J.J., 1998, Hydrogeologic framework of the Willamette Lowland aquifer system, Oregon and Washington: U.S. Geological Survey Professional Paper 1424-B, 82p.

**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.

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**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**

MCKENZIE R > WILLAMETTE R - AB MOUTH  
WILLAMETTE BASIN

Water Availability as of 5/6/2013

Watershed ID #: 528 Exceedance Level: 80% 50%

Date: 5/6/2013 Time: 3:02 PM

**Water Availability Calculation**

Monthly Streamflow in Cubic Feet per Second

Annual Volume 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	5,040.00	558.00	4,480.00	0.00	1,025.00	3,460.00
FEB	5,850.00	1,250.00	4,600.00	0.00	1,025.00	3,570.00
MAR	5,630.00	1,260.00	4,370.00	0.00	1,025.00	3,350.00
APR	5,020.00	1,310.00	3,710.00	0.00	1,025.00	2,680.00
MAY	4,000.00	813.00	3,190.00	0.00	1,025.00	2,160.00
JUN	2,990.00	423.00	2,570.00	0.00	1,025.00	1,540.00
JUL	2,160.00	404.00	1,760.00	0.00	1,025.00	731.00
AUG	1,790.00	393.00	1,400.00	0.00	1,025.00	372.00
SEP	1,730.00	374.00	1,360.00	0.00	1,025.00	331.00
OCT	1,830.00	333.00	1,500.00	0.00	1,025.00	472.00
NOV	2,850.00	332.00	2,520.00	0.00	1,025.00	1,490.00
DEC	4,450.00	332.00	4,120.00	0.00	1,025.00	3,090.00
ANN	3,560,000.00	467,000.00	3,090,000.00	0.00	743,000.00	2,350,000.00

**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

MF528A CERTIFICATE 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00

MF126A APPLICATION 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00

Maximum 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00 1,025.00

Well Location Map

### G-17595, Merlau

1:24,000 scale

