Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # Q-17735

ROUTED TO: Water Rights - Mary?

TOWNSHIP/
RANGE-SECTION: 6S/39E-36 dc

CONDITIONS ATTACHED?: [✓] yes [ ] no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart

WATER RESOURCES DEPARTMENT

MEMO November 26, 2013

TO: **Application G-** 17735

FROM: **GW:** Mike Zwart
(Reviewer's Name)

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 Groundwater 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 Groundwater 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

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date **November 26, 2013**

FROM: Groundwater Section **Mike Zwart**
Reviewer's Name

SUBJECT: Application G- **17735** 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: **Colwell Ranches** County: **Baker**

A1. Applicant(s) seek(s) **3.24** cfs from **one** well(s) in the **Powder** Basin, _____ subbasin Quad Map: **Haines**

A2. Proposed use **Irrigation, 258.8 acres** Seasonality: **March 1 to October 1**

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**	1	**Alluv/Bedrock****	**3.24**	**6S/39E-36 SW-SE**	**1150' N, 2500' W fr SE cor S 36**
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
1	**3250**				**300±**	**0-25**	**0-298±**		**198-298±**			

Use data from application for proposed wells.

A4. **Comments:** ****The application proposes to develop either an alluvial (sand and gravel) aquifer or a bedrock aquifer (likely basalt, andesite or granite). Given this, please note that there will be divergent findings for this review dependent on the aquifer proposed. These findings will, where appropriate, refer to a proposed alluvial well as 1A and a proposed bedrock well as 1B.**

A5. ☒ **Provisions of the Powder** 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: _____

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) **7N**;
   ii. ☐ The permit should be conditioned as indicated in item 2 below.
   iii. ☒ The permit **for well 1B** 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: There are no nearby current State Observation Wells. The nearest non-current well is an alluvial well (BAKE 79) and water levels were reasonably stable during the period of record.**

Special permit condition language for well 1B: The well shall be cased and sealed into competent bedrock.

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
1A	**Quaternary alluvium (Qal), sand and gravel**	☐	☒
1B	**Bedrock, likely Tertiary basalt, andesite (Tab) or granite**	☒	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: Well 1A proposes a near-minimal well seal and will likely develop an unconfined to poorly confined aquifer. Bedrock aquifers in the general vicinity are usually confined based on well logs.

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
1A	1	**Powder River**	**3220±**	**3232**	**1650**	☒	☐	☐	☐	☒
1B	1	**Powder River**	**3200±**	**3232**	**1650**	☐	☒	☐	☐	☒
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: The alluvial aquifer likely has an efficient hydraulic connection with the nearby reach of the river. The bedrock aquifer is likely well below the elevation of the nearby reach of the river and is inefficiently hydraulically connected with the river. See additional comments at C6 below.

Water Availability Basin the well(s) are located within: Powder R > Snake R above unnamed stream (72191).

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?
1A	1	☐	☐	**72191**	**25.0**	☒	**72.7**	☒	**<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: ____________________

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:

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** **This application is ambiguous in proposing to develop one or the other of two available aquifers. I reviewed both scenarios and made separate findings for each one. The proposed alluvial well was found to have the potential to cause substantial interference with the Powder River. The proposed bedrock well avoids such findings. Therefore, unless the applicant disputes the findings made for a proposed alluvial well, I strongly recommend that he pursues development of a bedrock aquifer and properly constructs that well to case and seal off the overlying alluvial deposits. It is not known at what depth bedrock is likely to be encountered at this location, but it could be greater than 200 feet.**

References Used: **Geology of the Oregon Part of the Baker 1° by 2° Quad, Brooks, McIntyre and Walker, 1976; OWRD Ground Water Report #6; Ground Water Resources of Baker Valley, Baker County, Oregon, by Frederick D. Trauger; Ground Water of Baker Valley, Baker County, Oregon, by Lystrom, Nees and Hampton, 1967; Nearby well logs and application reviews.**

D. WELL CONSTRUCTION, OAR 690-200

D1. **Well #:** _____ **Logid:** _____

D2. **THE WELL does not appear to 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 or other comment is described as follows:** _____

D4. ☐ **Route to the Well Construction and Compliance Section for a review of existing well construction.**

Water Availability Tables

Water Availability Analysis
Detailed Reports

POWDER R > SNAKE R - AB UNN STR
POWDER BASIN
Water Availability as of 11/26/2013

Watershed ID #: 72191 (Map)
Date: 11/26/2013

Exceedance Level: 80%
Time: 12:56 PM

Water Availability Calculation | Consumptive Uses and Storages | Instream Flow Requirements | Reservations | Water Rights | Watershed Characteristics

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	65.90	89.00	-23.10	0.00	25.00	-48.10
FEB	103.00	108.00	-5.36	21.30	30.00	-56.60
MAR	203.00	193.00	10.10	62.40	40.00	-92.20
APR	456.00	352.00	104.00	260.00	40.00	-195.00
MAY	714.00	843.00	-129.00	153.00	40.00	-323.00
JUN	593.00	995.00	-402.00	0.00	40.00	-442.00
JUL	204.00	529.00	-325.00	0.00	25.00	-350.00
AUG	107.00	313.00	-206.00	0.00	25.00	-231.00
SEP	72.70	240.00	-167.00	0.00	25.00	-192.00
OCT	70.30	90.10	-19.80	0.00	25.00	-44.80
NOV	75.10	71.30	3.82	0.00	25.00	-21.20
DEC	77.90	82.90	-5.00	0.00	25.00	-30.00
ANN	241,000.00	236,000.00	47,100.00	29,900.00	22,000.00	4,190.00

Download Data (Text - Formatted , Text - Tab Delimited , Excel)

Application G-17735, Colwell Ranches