

MEMO

August 11, 2015

FROM: GW: Michael J Thoma
(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.**

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.

[illegible]

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section

Date 08/11/2015

FROM: Groundwater Section

Michael J Thoma

Reviewer's Name

SUBJECT: Application G- 18111

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 groundwater 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: Koos Seed Co.County: Linn

A1. Applicant(s) seek(s) 1.93 cfs from 4 well(s) in the Willamette River Basin,
Calapooia River subbasin

A2. Proposed use Irrigation (154 ac. Primary) 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	1	Alluvium	1.93 ^a	12S/02W-8 SESE	50' N, 120' W of NW cor DLC 51
2	Proposed	2	Alluvium		12S/02W-8 SENE	150' S, 1190' W of NE cor DLC 53 ^b
3	Proposed	3	Alluvium		12S/02W-8 SWNE	180' S, 1850' W of NE cor DLC 53 ^b
4	Proposed	4	Alluvium		12S/02W-8 SWSE	80' N, 830' W of NW cor DLC 51

* 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	330	20-60 ^c	10-15		40-140 ^d							
2	325	20-60 ^c	10-15		40-140 ^d							
3	325	20-60 ^c	10-15		40-140 ^d							
4	330	20-60 ^c	10-15		40-140 ^d							

Use data from application for proposed wells.

A4. **Comments:** ^aThe applicant requests the full rate from any combination of the four proposed wells.

^bThe application map list the incorrect DLC number for wells #2 and #3 for what is shown on the application map – which lists "DLC 52" instead of 53 which matches what is shown on the map. Metes and bounds in table A3 have been changed to reflect locations shown on the application map.

^cAll four wells are proposed. First Water and SWL are estimated from wells of similar depths in the same Section.

^dWell Depth is proposed by the applicant. If actual completed depth is within this range it will not significantly change findings of this review.

A5. ☒ **Provisions of the** Willamette (OAR 690-502) Basin rules relative to the development, classification and/or management of groundwater hydraulically connected to surface water ☐ are, or ☒ are not, activated by this application. (Not all basin rules contain such provisions.)

Comments: Proposed wells are not located within 1/4 mile of any perennial surface water features.

A6. ☐ **Well(s) #** _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.

Name of administrative area: _____

Comments: _____

B. GROUNDWATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that groundwater* 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 groundwater 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 groundwater 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 groundwater resource; or
- d. ☒ will, if properly conditioned, avoid injury to existing groundwater rights or to the groundwater resource:
- ☒ The permit should contain condition #(s) 7c (7-year); "Large" water use reporting;
 - ☐ The permit should be conditioned as indicated in item 2 below.
 - ☐ The permit should contain special condition(s) as indicated in item 3 below;

- B2. a. ☐ Condition to allow groundwater production from no deeper than _____ ft. below land surface;
- b. ☐ Condition to allow groundwater production from no shallower than _____ ft. below land surface;
- c. ☐ Condition to allow groundwater production only from the _____ groundwater 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 Groundwater 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. **Groundwater availability remarks:** The proposed POAs are in an area underlain by approx. 100 ft of productive sands and gravels which are part of the Willamette Aquifer as described by Gannett and Caldwell (1998). The productive coarse materials thicken to the west and thin near the subject area and to the east and south where the underlying, low-yield marine sediments extend to land surface to form nearby Peterson Butte. The productive sand/gravel aquifer is generally confined to semi-confined with water levels near the land surface, as reported on drillers' well logs for the area. There are no long-term water level data for the area but water levels reported on recent well logs are similar to what has been reported over the past few decades, suggesting water levels are stable and additional development of the groundwater resource can be supported. Additionally, irrigation use of groundwater is low in the subject area so additional use can likely be supported without severe consequences (i.e., drastically declining water levels, significant well-to-well interference).
- _____
- _____

C. GROUNDWATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**C1. 690-09-040 (1):** Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	alluvium	☒	☐
2	alluvium	☒	☐
3	alluvium	☒	☐
4	alluvium	☒	☐
		☐	☐

Basis for aquifer confinement evaluation: Water levels reported on drillers' logs for the area show SWL higher than reported First Water zones, implying confined conditions. Furthermore, data collected during a recent aquifer test conducted with nearby wells LINN 8010 and LINN 60945 also imply semi-confined conditions (i.e., Storativity values of ~ 0.01) – See Groundwater Review for Application LL 1544.

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	Oak Creek	310		> 3 mi	☐	☒	☐	☐	☒
2	1	Oak Creek	310		> 3 mi	☐	☒	☐	☐	☒
3	1	Oak Creek	310		> 3 mi	☐	☒	☐	☐	☒
4	1	Oak Creek	310		> 3 mi	☐	☒	☐	☐	☒
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: The proposed POAs are at the upper reaches of the Oak Creek watershed, which is tributary to the Calapooia River. Oak Creek is an ephemeral / intermittent stream with only one surface water diversion within 6 miles of the proposed POAs. Furthermore, Oak Creek does not incise through the upper Willamette Silt unit (confining layer overlying proposed alluvial aquifer) until > 4 miles downstream from the proposed POAs so hydraulic connection between the proposed wells and the creek is likely very inefficient such that evaluation of PSI under OAR 690-09 rules was not made.

Water Availability Basin the well(s) are located within: N/A

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?
There are no surface water sources that have been determined to have efficient enough hydraulic connection to the proposed POAs to raise to the level of requiring assessment for PSI										

- 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.

Table C3b and comments section have been omitted. See comment under Section C3a

- 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.

Table C4a and comments section have been omitted. See comment under Section C3a

- 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 groundwater 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: _____

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, 32 p.

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.

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, 82 p.

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.**

Well Location Map

