

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date July 8, 2016

FROM: Groundwater Section Michael J Thoma
Reviewer's Name

SUBJECT: Application G- 18223 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: Richard Stach County: Jackson

A1. Applicant(s) seek(s) 0.015 cfs from 1 well(s) in the Rogue Basin,

A2. Proposed use nursery (18.4 ac) Seasonality: year round

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	JACK 30014	1-Vila	Bedrock	0.015	36S/01W-32 SESE	326'N, 201'W of SE cor S 32
2						
3						

* 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	1340	95	50	3/28/1990	202	0-39	+1-39			6.5	152	A

Use data from application for proposed wells.

A4. **Comments:** _____

A5. **Provisions of the Rogue (OAR 690-515)** 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: _____

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:
 - i. The permit should contain condition #(s) 7C (7-yr SWL); 7J (Scenic Waterway); Medium water-use ;
 - 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 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:** There is limited OWRD observation well data in the area so groundwater over-appropriation cannot be determined. There are a several groundwater POAs in the larger area but only one within 1 mile of the proposed POA. Overall groundwater use other than domestic is sparse so injury from the proposed use will be unlikely.

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	Bedrock of Payne Cliffs Fm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: The applicant's well log along with most other logs for the area report SWL several feet above 'first water'.

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	Swanson Cr	1290	<1290	6500*	<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"/>

Basis for aquifer hydraulic connection evaluation: *The distance measured is the distance to where Swanson Cr elevation is equal to the groundwater elevation in the well. Based on the limited information available, this is the closest distance where hydraulic connection may be found.

Water Availability Basin the well(s) are located within: Rogue R > Pacific Ocean – Ab Curry G at Gage (ID# 270)

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?
		<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"/>

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
1	1	%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS		0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015
Interference CFS		**See Comments Below											
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.		< 0.015	< 0.015	< 0.015	< 0.015	< 0.015	< 0.015	< 0.015	< 0.015	< 0.015	< 0.015	< 0.015	< 0.015
(B) = 80 % Nat. Q		2180	2710	2750	2810	2750	1760	1330	1160	1130	1160	1370	1810
(C) = 1 % Nat. Q		21.8	27.1	27.5	28.1	27.5	17.6	13.3	11.6	11.3	11.6	13.7	18.1
(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: _____

****The maximum possible impacts to Swanson Cr would be 100 % of the proposed pumping rate (0.015 cfs) which is less than 1% of the 80%-exceedance natural flows in the WAB in all months. In reality the impacts will only be a small proportion of the full pumping rate (Hunt, 2003) so under no circumstances will impacts to Swanson Cr be > 1% of the pertinent adopted minimum streamflows in the WAB and thus trigger PSI per OAR 690-009**

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:** The applicant's proposed POA would be producing from an aquifer that has been found to be hydraulically connected to Swanson Cr at a distance of approx. 6500 ft. Impacts of the proposed use on surface water will be far less than 1% of the pertinent stream flows for the encompassing WAB and so the Department cannot assume the proposed use will have the Potential for Substantial Interference.

References Used:

Hunt, B. 2003. *Unsteady Stream Depletion when Pumping from a Semiconfined Aquifer*. Journal of Hydrologic Engineering. Vol 8(1), pp 12-19

Wiley, T. J., J. D. McClaughry, and J. A. D'Allura. 2011. *Geologic Database and Generalized Geologic Map of Bear Creek Valley, Jackson County, Oregon*. Oregon Dept. of Geology and Mineral Industries. OFR O-11-11.

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

ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 14359000 ROGUE BASIN Water Availability as of 7/8/2016							
Watershed ID #: 270 (Map)				Exceedance Level: 80% ▾			
Date: 7/8/2016				Time: 1:06 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	2,180.00	1,130.00	1,050.00	0.00	1,200.00	-147.00	
FEB	2,710.00	2,040.00	666.00	0.00	1,200.00	-534.00	
MAR	2,750.00	1,820.00	934.00	0.00	1,200.00	-266.00	
APR	2,810.00	1,030.00	1,780.00	0.00	1,200.00	576.00	
MAY	2,750.00	367.00	2,380.00	0.00	1,200.00	1,180.00	
JUN	1,760.00	343.00	1,420.00	0.00	1,200.00	217.00	
JUL	1,330.00	368.00	962.00	0.00	1,200.00	-238.00	
AUG	1,160.00	330.00	830.00	0.00	1,200.00	-370.00	
SEP	1,130.00	275.00	855.00	0.00	1,200.00	-345.00	
OCT	1,160.00	227.00	933.00	0.00	1,200.00	-267.00	
NOV	1,370.00	344.00	1,030.00	0.00	1,200.00	-174.00	
DEC	1,810.00	561.00	1,250.00	0.00	1,200.00	49.00	
ANN	1,900,000.00	528,000.00	1,370,000.00	0.00	869,000.00	533,000.00	

Well Location Map

