Groundwater Application Review Summary Form

Application # ~~G~~ LL 1708

GW Reviewer Phil Marcy **Date Review Completed:** 7/18/2017

Summary of GW Availability and Injury Review:

[ ] Groundwater for the proposed use is either over appropriated, will not likely be available in the amounts requested without injury to prior water rights, OR will not likely be available within the capacity of the groundwater resource per Section B of the attached review form.

Summary of Potential for Substantial Interference Review:

[ ] There is the potential for substantial interference per Section C of the attached review form.

Summary of Well Construction Assessment:

[ ] The well does not appear to meet current well construction standards per Section D of the attached review form. Route through Well Construction and Compliance Section.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations and for conditions that may be necessary for a permit (if one is issued).

WATER RESOURCES DEPARTMENT

MEMO 7/18 ,2017

TO: **Application G-** LL-1708

FROM: **GW:** Phillip Marcy
(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 **07/18/2017**

FROM: Groundwater Section **Phillip I. Marcy**
Reviewer's Name

SUBJECT: Application **LL- 1708** 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: **Kenneth A. Baker** County: **Clackamas**

A1. Applicant(s) seek(s) **0.067** cfs from **1** well(s) in the **Willamette** Basin, **Molalla R / Gribble Creek** subbasin

A2. Proposed use **Establishment of hazelnut orchard (10 acres)** Seasonality: **July 1st – August 31st (62 days)**

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	CLAC 67736	1	Alluvium	0.067	4S/1E – 13 SW-SW	1310' N, 550' E fr SW cor S 13
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	250	129	66.63	03/14/2016	150	0-48	+1-128	87-128; 149-150	128-149	40	41	Pump

Use data from application for proposed wells.

A4. **Comments:** **Metes and bounds are estimated from application map.

A5. ☒ **Provisions of the** Willamette 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: The applicant's well produces from a confined aquifer so the pertinent basin (OAR 690-502-0240) rules do not apply.

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) **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 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 productive aquifer in the area surrounding the applicant's well consists of thin sand and gravel beds encased in a thick sequence of silt and clay. The sand and gravel beds appear to decrease in frequency with depth and typically have a cumulative thickness of less than 50 feet in the area. The water table occurs at about 50-75 feet below land surface on the terraces between streams but at stream levels on local stream valley floors. Hydraulic head decreases moderately with depth.

Because the productive water-bearing zones are thin and confined, pumping impacts will spread out over a broad area resulting in large seasonal fluctuations and widespread well interference. Water levels in nearby wells (see attached hydrograph) show declines of about 2 feet per year over the last 10-15 years at about 1 mile to the west. These appear to be part of a broad decline centered in the Marks Prairie area. However, water levels at about 1 mile to the north are stable or show declines of less than 1 foot per year over the last 10 years. Maps published by the U.S. Geological Survey (Prof Paper 1424 A,B) indicate that the thickness of productive sands increases immediately to the south of the applicant's well. This suggests a larger water supply in the vicinity of the well than in areas to the north and west. The applicant's well has been measured under permit condition on a previous limited license, and shows relatively stable groundwater levels (see attached hydrograph).

Uncertainty about the continued stability of the ground water resource in the immediate vicinity of the well indicates the need for a water-level monitoring condition.

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**	☒	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: Confined conditions are indicated by the presence of abundant clay and silt layers that encase the productive sand beds. This is confirmed by reports on well logs of static water levels that rise above the level of the producing sand beds.

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
1	1	**Gribble Creek**	**185**	**200-215**	**7000**	☒	☐	☐	☐	☒
1	2	**Dove Creek**	**185**	**180-210**	**4250**	☒	☐	☐	☐	☒
1	3	**Molalla River**	**185**	**150-180**	**3100**	☒	☐	☐	☐	☒

Basis for aquifer hydraulic connection evaluation: Water level elevations in the alluvial aquifer are essentially equivalent to the elevations of nearby creeks. Also, Gribble Creek and its tributaries are perennial in adjacent reaches but ephemeral in nearby upstream reaches which indicates that ground water discharges from the alluvial aquifer to these streams in adjacent reaches. These facts indicate that the alluvial aquifer system is hydraulically connected to local streams. The presence of multiple confining beds indicates that the connection is likely to be inefficient.

Water Availability Basin the well(s) are located within: 69796 MOLALLA R > WILLAMETTE R – AT MOUTH; 70747 MOLALLA R > WILLAMETTE R – AB MILK CR

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	☐	☐			☐	54.5	☐	<<25%	☐
1	2	☐	☐			☐	54.5	☐	<<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: This section does not apply.

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: Impacts on the Molalla River per table C4a were not calculated as the maximum proposed rate is 0.067 cfs which is less than 1% of the natural flow at the 80% exceedance level during all months of the year (0.545 – 5.91 cfs). Therefore, impacts on the Molalla River will not result in the Potential for Substantial Interference.

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:

Conlon and others, 2005, Ground-water hydrology of the Willamette Basin, Oregon: U.S Geological Survey Scientific Investigations Report 2005-5168.

Gannett and Caldwell, 1998, Geologic framework of the Willamette lowland aquifer system, Oregon and Washington: U.S. Geological Survey Professional Paper 1424-A,

Woodward and others, 1998, Hydrogeologic framework of the Willamette lowland aquifer system, Oregon and Washington: U.S. Geological Survey Professional Paper 1424-B,

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

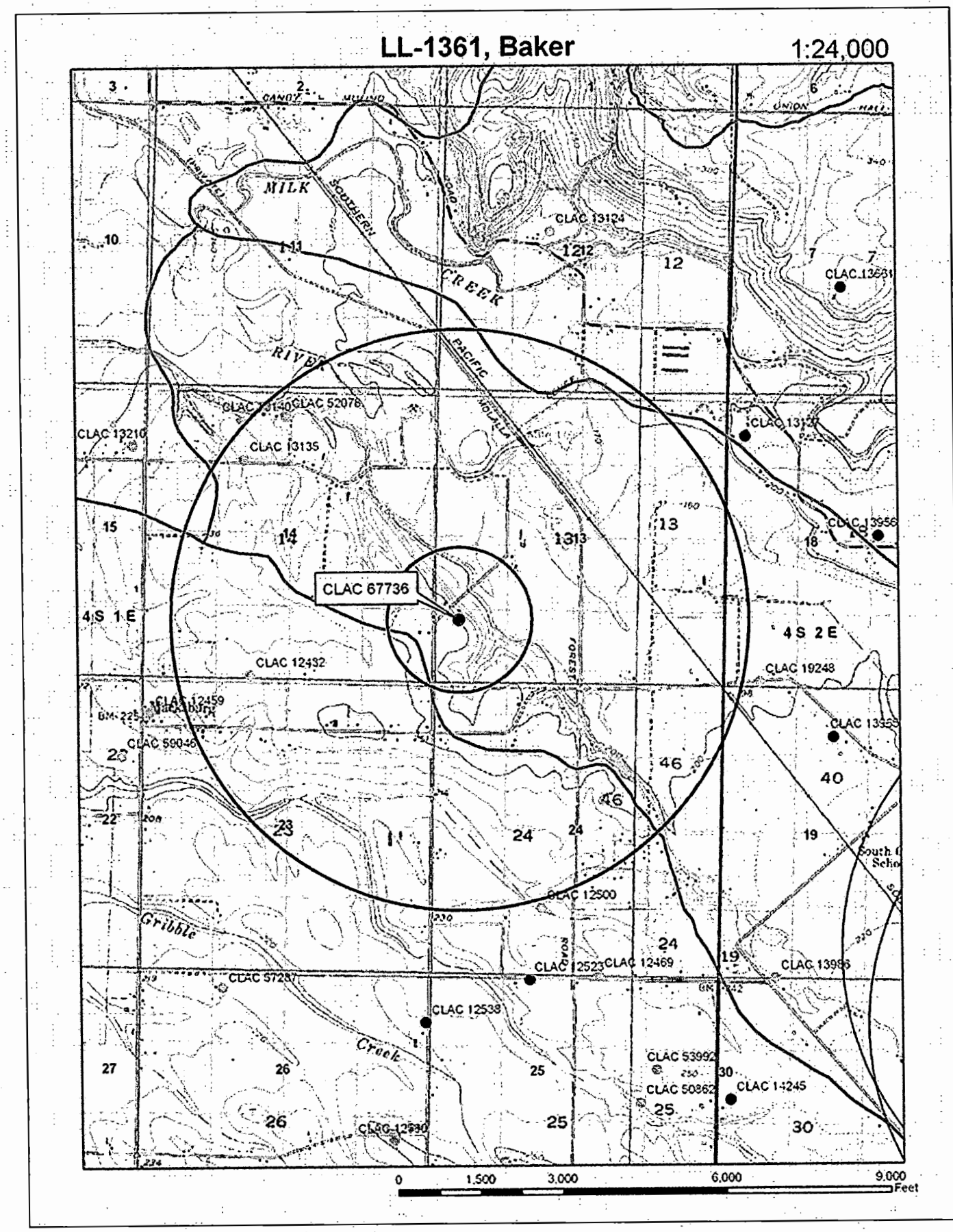
DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

MOLALLA R > WILLAMETTE R - AB MILK CR

Watershed ID #: 70747 Basin: WILLAMETTE Exceedance Level: 80
Time: 2:30 PM Date: 07/18/2017

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
	Monthly values are in cfs. Storage is the annual amount at 50% exceedance in ac-ft.					
JAN	531.00	1.28	530.00	0.00	300.00	230.00
FEB	541.00	1.27	540.00	0.00	300.00	240.00
MAR	569.00	1.30	568.00	0.00	300.00	268.00
APR	591.00	1.57	589.00	0.00	300.00	289.00
MAY	466.00	4.87	461.00	0.00	300.00	161.00
JUN	207.00	6.85	200.00	0.00	200.00	0.15
JUL	85.90	12.10	73.80	0.00	100.00	-26.20
AUG	55.70	9.81	45.90	0.00	78.70	-32.80
SEP	54.50	4.00	50.50	0.00	88.90	-38.40
OCT	90.40	1.38	89.00	0.00	166.00	-77.00
NOV	273.00	1.25	272.00	0.00	300.00	-28.30
DEC	560.00	1.29	559.00	0.00	300.00	259.00
ANN	454,000	2,850	451,000	0	165,000	287,000

Well Location Map



Water-Level Trends in Nearby Wells