



MEMO

To: Kristopher Byrd, Well Construction and Compliance Section Manager
From: Joel Jeffery, Well Construction Program Coordinator,
Subject: Review of Water Right Application G-18802
Date: April 9, 2019

The attached application was forwarded to the Well Construction and Compliance Section by Water Rights. Phil Marcy reviewed the application. Please see Phil's Groundwater Review and the Well Log.

Applicant's Well # 1 (MALH 54279): Based on a review of the Well Report, Applicant's Well # 1 appears to protect the groundwater resource.

The construction of Applicants Well # 1 may not satisfy hydraulic connection issues.

Groundwater Application Review Summary Form

Application # G- 18802

GW Reviewer Phil Marcy Date Review Completed: 3/22/2019

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.

at 3/28/19

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).

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date 03/22/2019
 FROM: Groundwater Section Phillip I. Marcy
 Reviewer's Name
 SUBJECT: Application G- 18802 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: Dale and Tony Berrett County: Malheur

A1. Applicant(s) seek(s) 4.0 cfs from 1 well(s) in the Owyhee Basin,
 _____ subbasin

A2. Proposed use Irrigation (263.7 acres) Seasonality: March 1st – November 1st (245 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	MALH 54279	1	Volcanic Rock	4.0	30S/44E-27 SW-NE	2569'E, 2302'S fr NW cor S 27
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	4249	328	298.0	08/24/2015	450	298	298	NA	NA	300	NA	Air

Use data from application for proposed wells.

A4. **Comments:** The proposed POA well (MALH 54279) is constructed to produce from fractured rock, beneath a thick succession of clay. The reported yield is only 300 gallons per minute (0.67 cfs), much less than the proposed rate of 4.0 cfs.

A5. **Provisions of the** Owyhee 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) “Large Water Use Reporting”;
 - 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 little data available for assessing the expected long-term impacts to the deeper aquifer system at the proposed location. Measurements on nearby wells MALH 2394 and MALH 2389 are no longer current, and are in a distinctly different elevation range from heads measured in this and nearby wells constructed to produce from the fractured bedrock, which display much lower groundwater elevations.

Special Condition: If a permit is issued, the permittee shall allow OWRD staff access to the POA well to conduct routine water level measurements to assess potential changes to groundwater elevation with increased use. This information will be utilized by the Department considering the issuance of further permits targeting this aquifer system in the surrounding area.

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	Fractured volcanic rock	<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"/>

Basis for aquifer confinement evaluation: The static water level reported on the driller's log is identical to the elevation of the productive aquifer, where water was first encountered.

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	Jordan Creek	3951	4232	2660	<input type="checkbox"/>	<input checked="" 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"/>

Basis for aquifer hydraulic connection evaluation: The elevation of surface waters within one mile and groundwater in the proposed POA well are vastly different. In addition, a thick succession of unsaturated, fine-grained material exists between the water-bearing zone in the POA well and the depth of water-bearing zones in shallower wells that exhibit heads similar to the elevation of local surface waters. These data suggest a perched aquifer system in the near-surface, utilizing the Quaternary alluvium, and likely in efficient communication with surface waters. The deeper system may reflect the existence of a regional aquifer system underlying the area, possibly incised many miles away by the Owyhee River drainage, but there is not sufficient evidence to support this at the present time.

Water Availability Basin the well(s) are located within: Owyhee R > Snake R – At Mouth (ID# 31111001)

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"/>
		<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: 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													
(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: This section does not apply.

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:** NA.

References Used: _____
Walker, G.W., Repenning, C.A. , 1966, Reconnaissance geologic map of the west half of the Jordan Valley quadrangle, Malheur County, Oregon, Interpretive Map 457, U.S. Geological Survey, Washington, DC., map scale 1:250,000.

Application G-18802; Local well logs, OWRD GWIS database.

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) _____

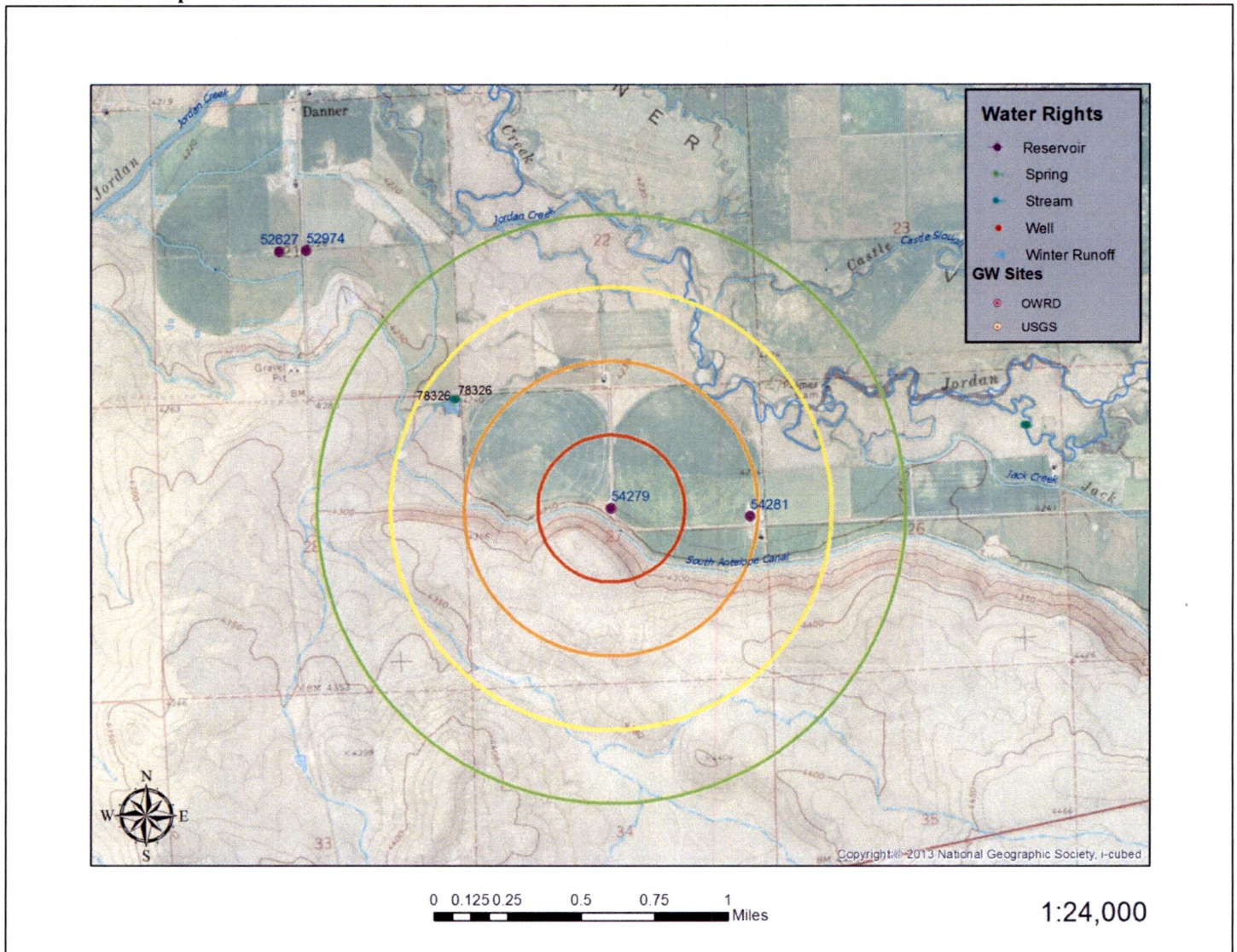
D3. **THE WELL construction deficiency or other comment is described as follows:** _____

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

Water Availability Tables

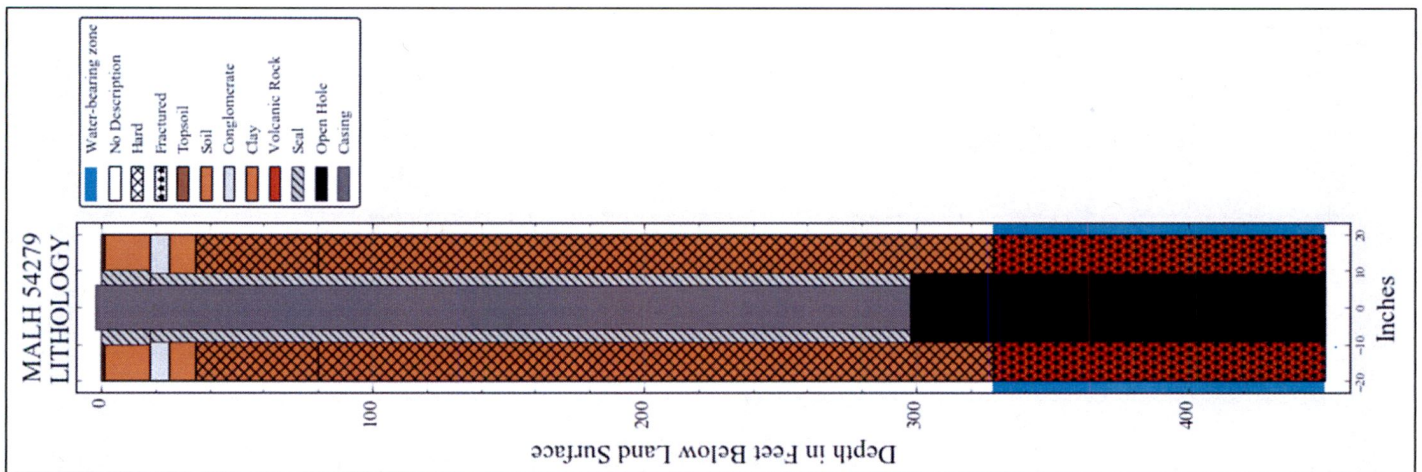
DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION						
Watershed ID #: 31111001			OWYHEE R > SNAKE R - AT MOUTH		Exceedance Level: 80	
Time: 4:51 PM			Basin: OWYHEE		Date: 03/21/2019	
Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net water Available
Monthly values are in cfs. Storage is the annual amount at 50% exceedance in ac-ft.						
JAN	264.00	714.00	-450.00	0.00	0.00	-450.00
FEB	636.00	1,090.00	-453.00	79.40	0.00	-532.00
MAR	736.00	1,440.00	-706.00	380.00	0.00	-1,090.00
APR	1,360.00	1,750.00	-389.00	459.00	0.00	-848.00
MAY	1,190.00	2,210.00	-1,020.00	79.20	0.00	-1,100.00
JUN	518.00	1,890.00	-1,370.00	0.00	0.00	-1,370.00
JUL	298.00	1,500.00	-1,200.00	0.00	0.00	-1,200.00
AUG	230.00	1,310.00	-1,080.00	0.00	0.00	-1,080.00
SEP	170.00	875.00	-705.00	0.00	0.00	-705.00
OCT	156.00	460.00	-304.00	0.00	0.00	-304.00
NOV	232.00	396.00	-164.00	0.00	0.00	-164.00
DEC	303.00	569.00	-266.00	0.00	0.00	-266.00
ANN	694,000	857,000	106,000	60,000	0	45,900

Well Location Map

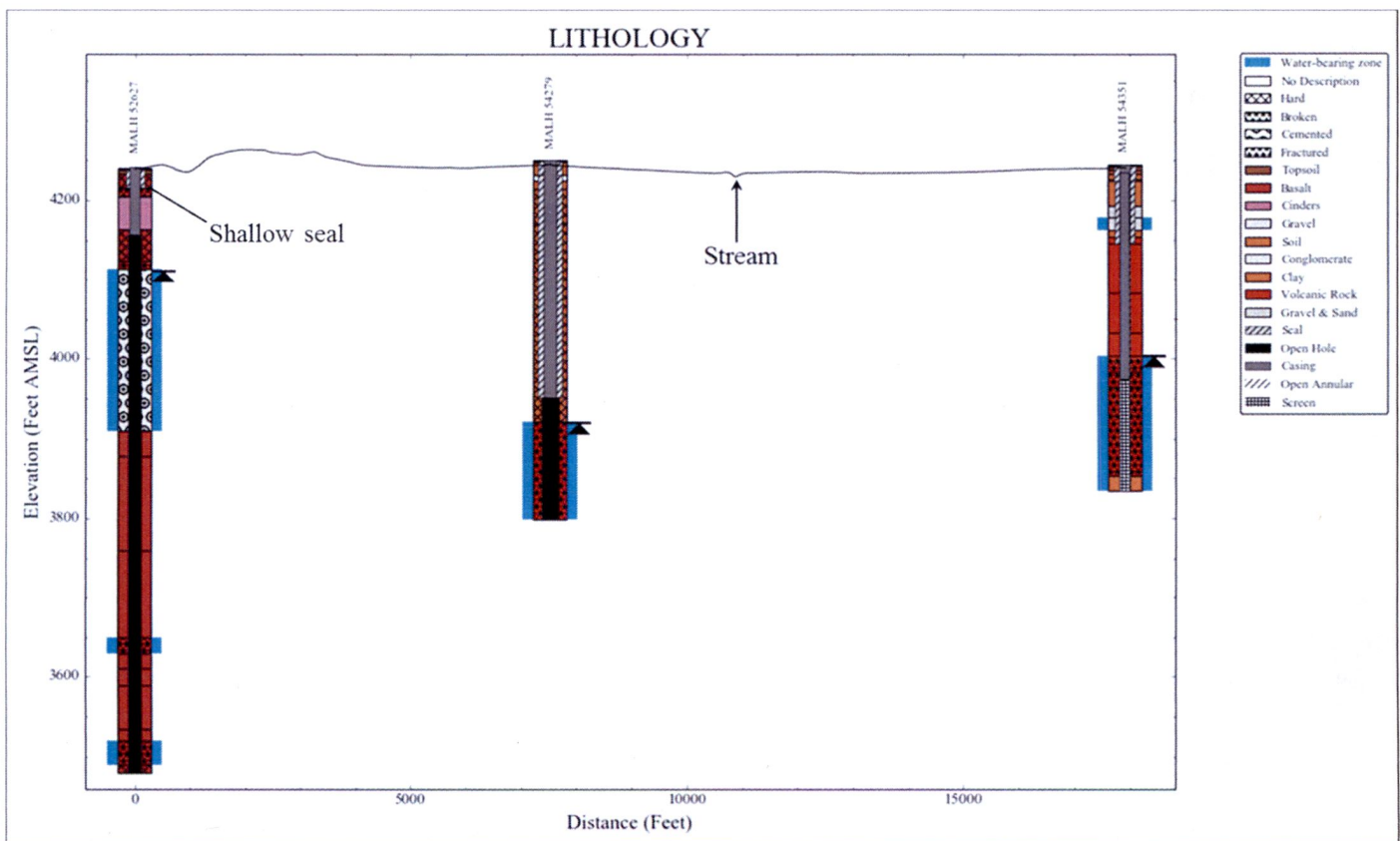


Water-Level Trends in Nearby Wells

No time series record exists for wells completed into the deeper aquifer system in this area.



Construction/lithology diagram for the proposed POA well, displaying continuous case and seal depth of 298' BLS above the productive water-bearing zone in fractured volcanic rock.



A cross section of local wells, including the proposed POA (MALH 54279) illustrates the difference in head elevations, based upon the water-bearing zones utilized by each well. MALH 52627 produces from gravels between 126'-330' BLS, with a resulting head elevation of 4113' AMSL, whereas MALH 54351 and the proposed POA are constructed to produce solely from fractured volcanic rock at depth and report static elevations of 4003' and 3951' AMSL, respectively.