Groundwater Application Review Summary Form

Application # G- 18760

GW Reviewer Michael Thoma Date Review Completed: 06/15/2020

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 **06/15/2020**

TO: **Application G- 18760**

FROM: **GW: Michael Thoma**
(Reviewer's Name)

SUBJECT: Scenic Waterway Interference Evaluation

☒ **YES**
☐ **NO**

The source of appropriation is hydraulically connected to a State Scenic Waterway or its tributaries

☒ **YES**
☐ **NO**

Use the Scenic Waterway Condition (Condition 7J)

☒ 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
See attached memo "Analysis of Groundwater Pumping Impacts on Scenic Waterway Flows" dated: February 19, 2013

☐ 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 **Klamath** 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
See attached memo "Analysis of Groundwater Pumping Impacts on Scenic Waterway Flows" dated: February 19, 2013											

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date 6/15/2020

FROM: Groundwater Section M. Thoma
Reviewer's Name

SUBJECT: Application G- 18760 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: **Rob Wallace / Wallace Family Farms** County: **Klamath**

A1. Applicant(s) seek(s) 4.55 cfs from 1 well(s) in the Klamath Basin, Fourmile Creek subbasin

A2. Proposed use Irrigation (273.36 ac); Suppl. Irr. (90.71 ac) Seasonality: Apr. 1 – Oct. 31 (214 d)

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	Bedrock	4.55	36S/06E-17 SWSW	1236'N, 312'E of SW cor S 17
2						

* 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	4172		30-70		350	0-18	+2-150	-	-	-	-	-

Use data from application for proposed wells.

A4. **Comments:** The applicant's well is proposed but notes in the application mention that the well will be constructed to produce from "*predominately basalt layers*"; it is likely that the actual final depth will not be exactly 350 feet. SWL is estimated from nearby wells although there are no wells in the area close to the proposed depth.

A5. ☐ **Provisions of the** Klamath (OAR 690-0025) 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: Klamath Basin Rules govern only regulation and not new allocation of groundwater

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) _____;
   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 insufficient data to determine if the groundwater resource is over-appropriated but water-balance estimates from Gannett et al., (2007) suggest that the groundwater resource has been fully developed. The applicant's proposed well is located within 1 mile of a densely-developed neighborhood (several 1-acre lots) where most of the taxlots that have been developed have a domestic well associated with them (nearly 40 wells have been drilled in the Section which are concentrated in the southern part near the proposed POA). Approximately 20 taxlots are within ¼ mile of the proposed POA. Many of the well logs for this area report total well depths around 100 to 150 feet and SWLs between 20 and 70 ft (the range of SWLs are more likely controlled by land surface elevation and not vertical changes in hydrogeologic characteristics). Hydrologic interference (drawdown) from the proposed use at neighborhood wells within ¼ mile may be over 20 ft by the end of the irrigation season (over 25% of customary aquifer thickness) which would cause injury to existing, domestic groundwater users. The well construction as proposed by the applicant would not likely eliminate interference to shallower domestic wells.

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	**Volcanic Rocks of Late High Cascades**	☒	☐
		☐	☐

Basis for aquifer confinement evaluation: Well Logs for the area typically report some variation of "clay" for 50+ feet near the surface before encountering "gravel" or "broken rock". The presence of a moderately thick, mixed-clay zone will likely add confinement to the deeper aquifer zones that the applicant's proposing to produce from.

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	**Fourmile Creek**	~4140	4160-4200	2330	☒	☐	☐	☐	☒
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: Groundwater elevation was estimated mostly from well logs uphill from the proposed POA and likely represent deeper water level depths than would be encountered in the proposed well. Therefore, GW elevation in the proposed POA would likely be higher and closer to surface water elevations, implying that water is capable of moving easily between surface water and groundwater.

Water Availability Basin the well(s) are located within: Link R > Klamath R – AB Unn Str (ID# 31420305)

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	☐	☐	**KA 484**	**0.4**	☒	**808**	☐	**< 10%**	☒
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

Comments: Instream Right KA 484 is located on Fourmile Cr. in the immediate vicinity and within 1 mile of the proposed POA and the proposed rate is greater than 1% of the instream water right.
Stream-depletion was estimated using the Hunt-2003 stream-depletion model using parameter values derived from aquifer tests in the area, extracted from Gannett et al., (2012), or representative of the geologic material in the vicinity of the proposed POA.

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													
(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 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 surface water – specifically Fourmile Creek at a distance of less than 1 mile. The proposed maximum rate of appropriation is less than 1% of the pertinent adopted perennial streamflow for the WAB but is greater than 1% of the adopted instream water right for Fourmile Creek. Per OAR 690-009-0040(4) **the POA is assumed to have the Potential for Substantial Interference.**

References Used:

Gannett, M. W., B. J. Wagner, and K. E. Lite. 2012. *Groundwater Simulation and Management Models for the Upper Klamath Basin, Oregon and California.* USGS Scientific Investigations report 2012-5062.

Gannett, M. W., K. E. Lite, J. L. LaMarche, B. J. Fisher, and D. J. Polette. 2007. *Ground-water Hydrology of the Upper Klamath Basin, Oregon and California.* USGS Scientific Investigations Report 2007-5050

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

Sherrod, D. R., and L. B. G. Pickthorn. 1992. *Geologic Map of the West Half of the Klamath Falls 1° by 2° Quadrangle, South-Central Oregon.* USGS Miscellaneous Investigations Series Map I-2182.

OWRD Well Log Database – Accessed 08/20/2019

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

LINK R > KLAMATH R - AB UNN STR
KLAMATH BASIN

Water Availability as of 8/20/2019

Watershed ID #: 31420305 (Map) Exceedance Level: 80%
Date: 8/20/2019 Time: 1:33 PM

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

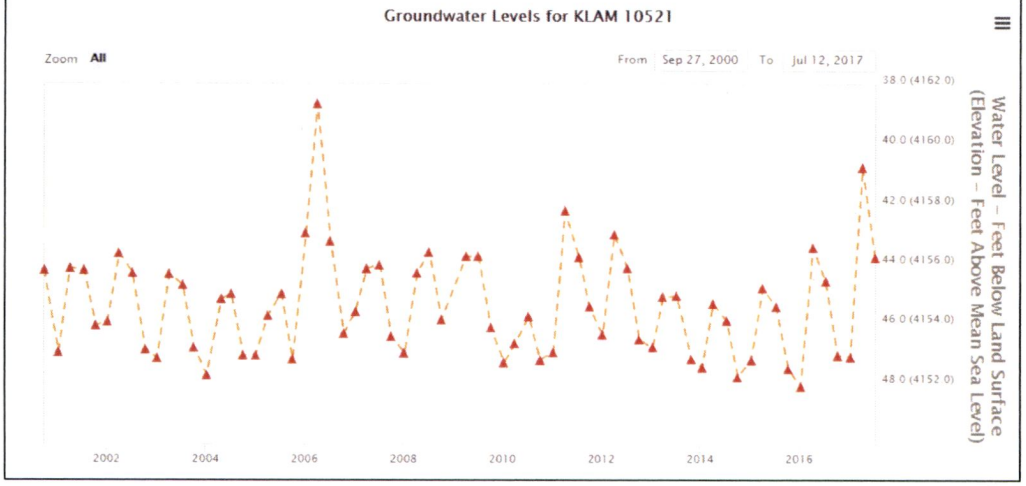
Water Availability Calculation

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	1,470.00	576.00	894.00	0.00	60.00	834.00
FEB	1,520.00	972.00	548.00	0.00	60.00	488.00
MAR	1,690.00	1,040.00	652.00	0.00	80.00	572.00
APR	2,220.00	1,110.00	1,110.00	0.00	80.00	1,030.00
MAY	2,100.00	1,280.00	816.00	0.00	83.00	733.00
JUN	1,670.00	1,510.00	161.00	0.00	74.00	87.40
JUL	1,180.00	1,370.00	-186.00	0.00	20.00	-206.00
AUG	914.00	1,060.00	-146.00	0.00	40.00	-186.00
SEP	830.00	826.00	4.08	0.00	30.00	-25.90
OCT	808.00	325.00	483.00	0.00	30.00	453.00
NOV	952.00	333.00	619.00	0.00	30.00	589.00
DEC	1,240.00	569.00	671.00	0.00	50.00	621.00
ANN	1,500,000.00	662,000.00	839,000.00	0.00	38,400.00	800,000.00

Water-Level Trends in Nearby Wells

Well Location:	36.00S/6.00E-17CDC	Total Depth (fbls):	85 ft	Water Level Count:	67
Log ID:	KLAM 10521 Well Log	Land Surface Elevation:	4200 ft	Wtr Lvl Date Range:	9/27/2000 - 7/12/2017
Well Tag:	---	Vertical Reference Datum:	NGVD1929	Wtr Lvl Min-Max:	38.64 - 48.09 ft
State Observation:		Primary Use of Well:	DOMESTIC	Recorder Wtr Lvl Count:	0
USGS Site:		Primary Aquifer System:	Klamath Volcanics	Recorder Wtr Lvl Date Range:	---
				Recorder Wtr Lvl Min-Max:	---



Hydrologic Interference Model Results

Theis Time-Drawdown Worksheet v.3.00

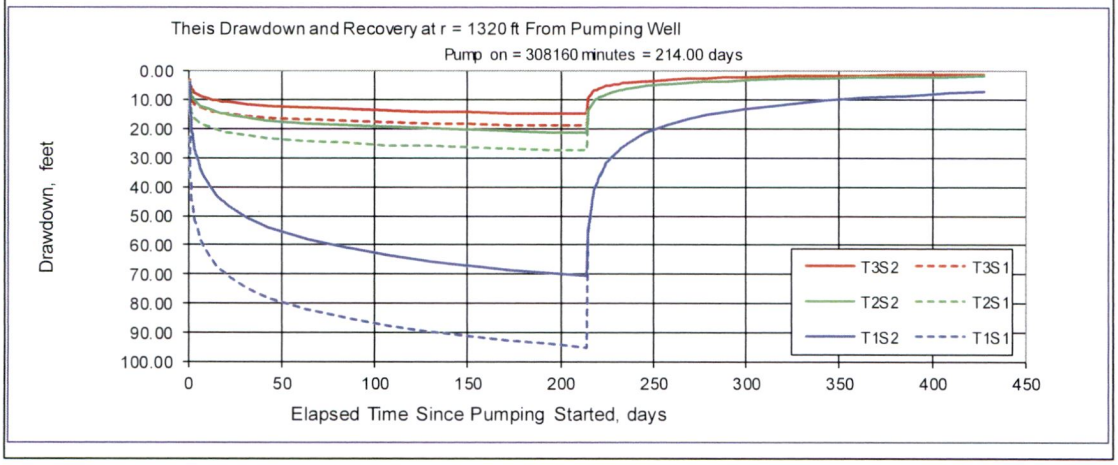
Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r, from a pumping well for 3 different T values and radial distance, r, from a pumping well for 3 different T values and 2 different S values.

Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

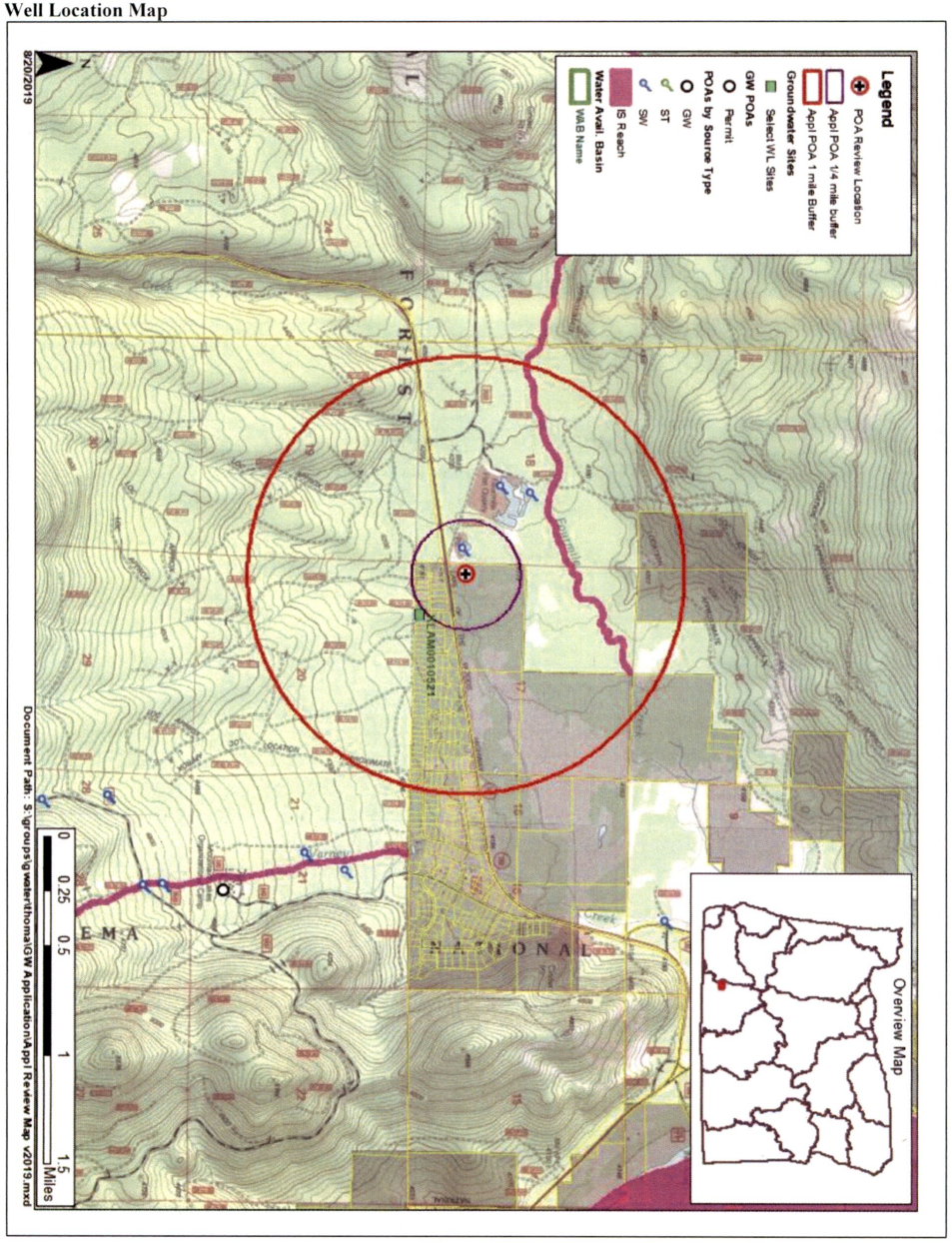
Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		214		d	
Radial distance from pumped well:	r		1320.00		feet	Q conversions
Pumping rate	Q		4.6		cfs	2,064.48 gpm
Hydraulic conductivity	K	10	40	60	ft/day	4.60 cfs
Aquifer thickness	b		300		ft	276.00 cfm
Storativity	S_1		0.00010	- - - - - - -		397,440.00 cfd
	S_2		0.00100	———		9.12 af/d
Transmissivity Conversions	T_f2pd	3,000	12,000	18,000	ft2/day	
	T_ft2pm	2.0833	8.3333	12.5000	ft2/min	
	T_gpdpft	22,440	89,760	134,640	gpd/ft	

Recalculate — Use the Recalculate button if recalculation is set to manual

	T1 S1	T1 S2	T2 S1	T2 S2	T3 S1	T3 S2
Max Drawdown at 214 d	95.10	70.84	27.43	21.36	19.00	14.95



Well Location Map



Stream-Depletion Model Results

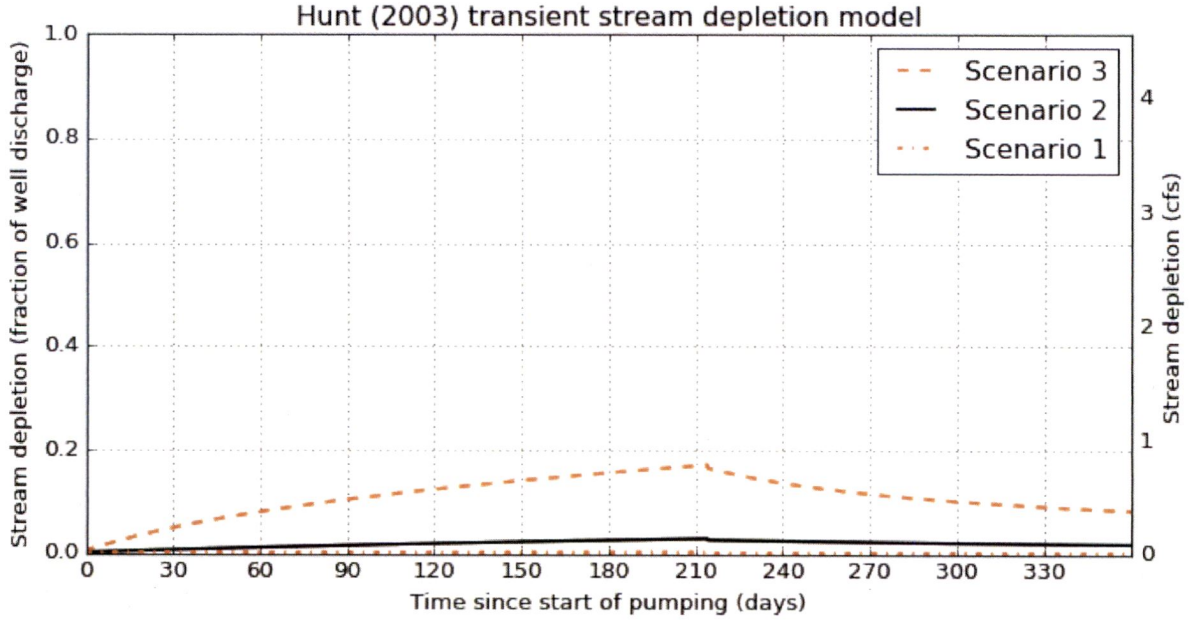
PyHunt stream depletion analysis tool

Application type:	G
Application number:	18760
Well number:	1
Stream Number:	1
Pumping rate (cfs):	4.55
Pumping duration (days):	214
Pumping start month number (3=March)	4

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	2330	2330	2330	ft
Aquifer transmissivity	T	5000	12000	20000	ft2/day
Aquifer storativity	S	0.0006	0.0006	0.0006	-
Aquitard vertical hydraulic conductivity	Kva	0.01	0.05	0.1	ft/day
Aquitard saturated thickness	ba	10	10	10	ft
Aquitard thickness below stream	babs	8	5	2	ft
Aquitard specific yield	Sya	0.2	0.1	0.05	-
Stream width	ws	20	20	20	ft

Stream depletion for Scenario 2:

Days	10	300	330	360	30	60	90	120	150	180	210	240	270
Depletion (%)	0	2	2	2	1	1	2	2	2	3	3	3	2
Depletion (cfs)	0.02	0.10	0.09	0.09	0.04	0.06	0.08	0.09	0.11	0.12	0.14	0.12	0.11



Appendix Memo: Analysis of Groundwater Pumping Impacts on Scenic Waterway Flows

State of Oregon
Water Resources Department

Memorandum

To: Barry Norris – Administrator, Technical Services Division
Dwight French – Administrator, Waterights Division
Tom Paul – Deputy Director
Doug Woodcock – Administrator, Field Services Division

From: Ivan Gall – Manager, Groundwater Section

Date: February 19, 2013

Subject: Analysis of Groundwater Pumping Impacts on Klamath Scenic Waterway Flows

In 1971 the Oregon Legislature created the Scenic Waterway Act, codified by Oregon Revised Statutes 390.805 to 390.925, to preserve for the benefit of the public Waldo Lake and selected parts of the state's free-flowing rivers. The Klamath Scenic Waterway was part of the Act and includes the Klamath River from the John Boyle Dam powerhouse downstream to the Oregon-California border. Under the Act, the Water Resources Commission is allowed to allocate small amounts of surface water for human consumption and livestock watering, as long as issuing the water right does not significantly impair the free-flowing character of these waters in quantities necessary for recreation, fish and wildlife, and the amount allocated may not exceed a cumulative total of one percent of the average daily flow or one cubic foot per second (cfs), whichever is less.

In 1995 the Scenic Waterway Act was modified to address the impact of groundwater uses that, based upon a preponderance of evidence, would measurably reduce the surface water flows within a scenic waterway. "Measurably reduce" means that the use authorized will individually or cumulatively reduce surface water flows within the scenic waterway in excess of a combined cumulative total of one percent of the average daily flow or one cfs, whichever is less.

In 2012 the United States Geological Survey (USGS), in cooperation with OWRD and the US Bureau of Reclamation, completed groundwater flow and management models for the Upper Klamath Basin. The 2012 groundwater flow model uses generally accepted hydrogeologic methods and the relevant field data to model the cumulative effects of groundwater pumping within the Klamath Scenic Waterway, and provides a comprehensive methodology for analyzing the relevant field data necessary to determine whether the cumulative use of groundwater in the Klamath Basin will measurably reduce the surface water flow necessary to maintain the free-flowing character of the Klamath Scenic Waterway.

In September 2012 the OWRD Groundwater Section conducted two model simulations. The two simulations used the 2012 USGS flow model, incorporating groundwater permits issued (61.96 cfs) since adoption of the 1995 Scenic Waterway Act amendment up through 2004. Each simulation was run to steady-state, where inflows and outflows for that model run balanced. An evaluation of the water budgets showed that groundwater discharge to the Klamath Scenic Waterway decreased by 5.88 cfs as a result of the 61.96 cfs of groundwater uses issued between 1995 and 2004. These results indicate to the OWRD that a preponderance of evidence exists to establish that groundwater development occurring in the Upper Klamath Basin in Oregon since 1995 has "measurably reduced" surface water flows within the Klamath Scenic Waterway.

In January 2013 the OWRD Groundwater Section conducted flow model simulations to evaluate impacts to streams from pumping groundwater within the Lost River subbasin. Groundwater pumping was simulated by placing wells in the model that correspond to the center of 39 townships in the southeast part of the Klamath Basin in Oregon. Each of the simulations was run to steady-state, where inflows and outflows for that model run balanced. These results indicate that the scenic waterway is impacted by pumping groundwater in all of the townships evaluated in Oregon in the Lost River subbasin. In summary, a preponderance of evidence exists to establish that groundwater development occurring in Oregon since 1995 in the Upper Klamath Basin and Lost River subbasin has "measurably reduced" surface water flows within the Klamath Scenic Waterway.

References:

Gannett, M.W., Lite, K.E., Jr., La Marche, J.L., Fisher, B.J., and Polette, D.J., 2007. Ground-water hydrology of the upper Klamath Basin, Oregon and California: U.S. Geological Survey Scientific Investigations Report 2007-5050, 84p.

Gannett, M.W., Wagner, B.J., and Lite, K.E., Jr., 2012. Groundwater simulation and management models for the upper Klamath Basin, Oregon and California: U.S. Geological Survey Scientific Investigations Report 2012-5062, 92p.