

Approved: 

# MEMO

**To:** Kristopher Byrd, Well Construction and Compliance Section Manager  
**From:** Travis Kelly, Well Construction Program Coordinator  
**Subject:** Re-Review of Water Right Application G-18875  
**Date:** September 16, 2020

The attached application was forwarded to the Well Construction and Compliance Section by the Groundwater Section. Mike Thoma reviewed the application. Please see Mike's Groundwater Review.

Applicant's Well #1 (Sump Well/No Well Report): The Well Construction and Compliance Section's initial review of Applicant's Well #1 provided that it did not appear to comply with current minimum well construction standards, however, based on an onsite inspection performed by the Department's regional well inspector, the Well Construction and Compliance Section has now determined that Applicant's Well #1 is actually a Sump, and not a well. Based on this determination, a well construction review is not required and the sump is not obligated to meet minimum well construction standards.

The construction of Applicant's sump may not satisfy hydraulic connection issues.

Approved: 

# MEMO

**To:** Kristopher Byrd, Well Construction and Compliance Section Manager  
**From:** Travis Kelly, Well Construction Program Coordinator  
**Subject:** Review of Water Right Application G-18875  
**Date:** August 5, 2020

The attached application was forwarded to the Well Construction and Compliance Section by the Groundwater Section. Mike Thoma reviewed the application. Please see Mike's Groundwater Review.

Applicant's Well #1 (Sump Well/No Well Report): Based on an evaluation of the Applicants description of their sump well as detailed in the Groundwater Review, Applicant's Well #1 does not appear to comply with current minimum well construction standards (See OAR 690 Division 210). The problem is that according to the Applicants description of the well, it is 11 feet deep. Because of the well's depth, it is considered a Dug Well and not a Sump Well (See OAR 690-210-0400). In order to meet minimum construction standards the well will need to be reconstructed so that it is sealed and cased to within 3 feet of the bottom of the well. The casing must also extend a minimum of 1 foot above land surface and have a watertight lid.

My recommendation is that the Department **not issue** a permit for Applicant's Well #1 unless it is brought into compliance with current minimum well construction standards or information is provided showing that it is in compliance with current minimum well construction standards.

Bringing Applicant's Well #1 into compliance with minimum well construction standards may not satisfy hydraulic connection issues.

# Groundwater Application Review Summary Form

Application # G- 18875

GW Reviewer M. Thoma

Date Review Completed: 08/04/2020

## 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**

**08/04/2020**

**TO:** Application G- 18875

**FROM:** GW: M. Thoma  
(Reviewer's Name)

**SUBJECT: Scenic Waterway Interference Evaluation**

**YES** The source of appropriation is hydraulically connected to a State Scenic Waterway or its tributaries  
 **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 [Enter] 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 08/04/2020  
 FROM: Groundwater Section M. Thoma  
Reviewer's Name  
 SUBJECT: Application G- 18875 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: Andrew Head County: Lane

A1. Applicant(s) seek(s) 0.4 cfs from 1 well(s) in the Willamette Basin,  
Long Tom subbasin

A2. Proposed use Irrigation (45.9 acres) Seasonality: Mar. 1 – Oct. 31 (244 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	SUMP	1	Alluvium	0.4	18S/05W-06 SWSE	525 ft S, 257 ft W of SE 1/16 cor, S 06
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	426	0	0	-	11	-	-	-	-	-	-	-

Use data from application for proposed wells.

A4. **Comments:** The applicant's proposed POA is a sump described as 300 ft x 15 ft and 11 ft deep

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: OAR 690-502 contains no provision that apply to groundwater in the Long Tom subbasin

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) Medium 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 very little long-term, recent groundwater level data in the immediate area of the proposed POA so groundwater Over-Appropriation cannot be determined. Normally, a groundwater level measurement condition would be recommended but, as the proposed POA is a sump, water level data will not likely provide significant value for overall aquifer management.

There are only a few groundwater rights in the vicinity of the proposed POA, the nearest being approx. 1700 ft from the proposed POA and up-gradient. This nearest POA is reported as a 185ft-deep well that is likely completed into consolidated marine sediments and so will not likely be injured by the applicant’s proposed POA as it is a shallow sump producing from shallow alluvial. The next nearest POAs are almost 1 mile from the proposed POA and, at that distance, injury is unlikely as well.

\_\_\_\_\_

\_\_\_\_\_

**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	Shallow alluvium	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**Basis for aquifer confinement evaluation:** the proposed POA is a sump

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	W Fk Coyote Cr	426	400 - 440	1460	<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"/>

**Basis for aquifer hydraulic connection evaluation:** the proposed POA is a shallow sump that is likely fed through direct run-off or shallow groundwater, both of which would otherwise be contributing to flows in the W Fk Coyote Creek.

**Water Availability Basin the well(s) are located within:** LONG TOM R > WILLAMETTE R - AB MOUTH

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 (SW) source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that SW source, 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	<input type="checkbox"/>	<input type="checkbox"/>	NA	NA	<input type="checkbox"/>	32.1	<input type="checkbox"/>	*	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

**Comments:** \*stream-depletion was not estimated for this review because, with the proposed POA being a sump, the actual situation represents a fairly large departure from the necessary assumptions of the common stream-depletion models (e.g., Jenkins, Hunt). Specifically, well-bore storage cannot be considered insignificant and the sump does not fully penetrate the aquifer.

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"/>

**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:** no surface water sources were evaluated beyond 1 mile

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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 the West Fork of Coyote Creek – at a distance of less than 1 mile. The applicant's proposed rate is less than the 80%-exceedance flows for the encompassing WAB and stream-depletion could not be estimated using the readily available models so Potential for Substantial Interference is not assumed.

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**References Used:**

Herrera, N. B., Burns, E. R., and T. D. Conlon. 2014. Simulation of Groundwater Flow and the Interaction of Groundwater and Surface Water in the Willamette Basin and Central Willamette Subbasin, Oregon. USGS Scientific Investigations Report 2014-5136.

McClaghry, J. D., T. J. Wiley, M. L. Ferns, and I. P Madin. 2010. Digital Geologic Map of the Southern Willamette Valley, Benton, Lane, Linn, Marion, and Polk Counties, Oregon. Oregon Dept. of Geology and Mineral Industries. Open File Report O-10-13.

OWRD Well Log Database – Accessed 08/04/2020



**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-Level Measurements in Nearby Wells**

There are no wells in the area that have long-term, recent data records

**Water Availability Tables**

## Water Availability Analysis

### Detailed Reports

LONG TOM R > WILLAMETTE R - AB MOUTH  
 WILLAMETTE BASIN

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Water Availability as of 8/4/2020

Watershed ID #: 114 ([Map](#))

Exceedance Level: 80% ▼

Date: 8/4/2020

Time: 12:32 PM

Water Availability Calculation

Consumptive Uses and Storages

Instream Flow Requirements

Reservations

Water Rights

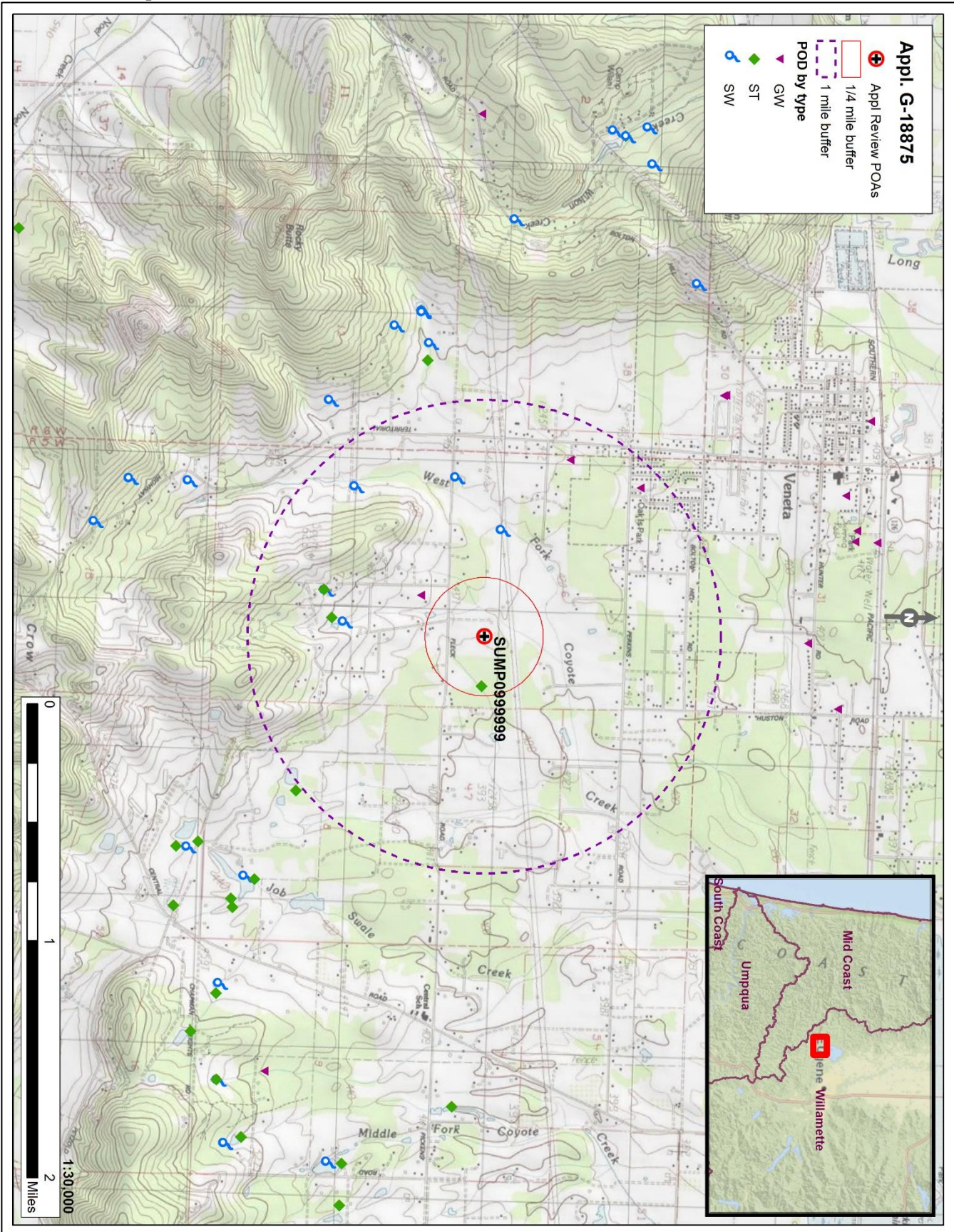
Watershed Characteristics

### 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	568.00	149.00	419.00	0.00	0.00	419.00
FEB	697.00	389.00	308.00	0.00	0.00	308.00
MAR	596.00	555.00	41.00	0.00	0.00	41.00
APR	373.00	250.00	123.00	0.00	0.00	123.00
MAY	215.00	63.80	151.00	0.00	0.00	151.00
JUN	105.00	29.50	75.50	0.00	0.00	75.50
JUL	50.60	47.80	2.83	0.00	0.00	2.83
AUG	35.40	38.80	-3.36	0.00	0.00	-3.36
SEP	32.10	21.40	10.70	0.00	0.00	10.70
OCT	35.30	5.69	29.60	0.00	0.00	29.60
NOV	82.50	5.45	77.00	0.00	0.00	77.00
DEC	364.00	106.00	258.00	0.00	0.00	258.00
ANN	362,000.00	99,300.00	262,000.00	0.00	0.00	262,000.00

### Well Location Map



### Well Log Statistics for the Area

