

Groundwater Application Review Summary Form

Application # G- 19141

GW Reviewer Phillip I. Marcy Date Review Completed: 09/07/2021

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

09/07/2021

TO: **Application G- 19141**

FROM: **GW: Phillip I. Marcy**
 (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 07/07/2022
 FROM: Groundwater Section Phillip I. Marcy
 Reviewer's Name
 SUBJECT: Application G- 19141 Supersedes review of 09/07/2021
 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: John and Nancy Boyer County: Baker

A1. Applicant(s) seek(s) 2.67 cfs from 1 well(s) in the Powder Basin,
 _____ subbasin

A2. Proposed use Supplemental Irrigation (240 acres) Seasonality: March 1st – October 31st (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	Proposed	1	Alluvium	2.67	8S/38E-1 NW-NE	1300'S, 1475'W fr NE cor S 1
2						
3						
4						

* 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	3470	NA	NA	NA	<600	0-40	0-100	Unknown	Unknown	NA	NA	NA

Use data from application for proposed wells.

A4. **Comments:** The applicant proposes to develop groundwater from the alluvial aquifer as supplemental irrigation water for water right certificates 4053 (400 acres) and 73167 (80 acres).

This superseding review has been amended to reflect correct model run values for total interference (section C4a) to the Powder River from pumping within one year at the proposed location.

A5. **Provisions of the** Powder 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) 7N; "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:** Ground water is available within the interbedded sand and gravel deposits of the alluvial fan deposits. Moderate to large quantities of water can likely be produced from these deposits. The ground water usually occurs under unconfined conditions, although some nearby wells penetrate significant clay layers.

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	Sand and gravel interbedded with clay layers or lenses	<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"/>

Basis for aquifer confinement evaluation: Nearby well logs report static water levels far above the elevation of the open interval within each well. This confinement is anticipated to be localized, on the assumption that horizons of fine-grained lithologies encountered during drilling are not laterally continuous over a wide geographic area. Considering the typical depositional pattern of alluvial fans, confinement is likely due to water-bearing lithologies encountered within wells representing buried fluvial channels, or lenses, of fairly transmissive materials which are surrounded by finer-grained and less transmissive outwash materials.

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	Rock Creek	~3425		4600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	2	Willow Creek	~3425		5530	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	3	Powder River	~3425		19000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: Low permeability beds do not appear to be laterally extensive and do not show a consistent relationship from well to well (see attached cross-section A-A'). Groundwater is encountered at various depths within the sedimentary sequence, typically with no reported difference in head elevation. Taken together, these observations suggest there is no significant barrier to vertical movement of groundwater. In our conceptual model, preferential flow paths created during deposition of alluvial fan materials result in a highly anisotropic flow system with transmissivities much higher parallel to the axis of the fan (E-W in this case) than perpendicular to the axis or vertically. Therefore, it is anticipated that groundwater pumping at the proposed location and depth will have a much greater effect on the downgradient Powder River flows than on either Rock Creek or Willow Creek flows, and will be evaluated at this distance (see below).
 *GW elevation assumed to be similar to nearby BAKE 50455, due to location and proposed construction.

Water Availability Basin the well(s) are located within: WILLOW CR > POWDER R – AT MOUTH; ROCK CR > POWDER R - AT 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?
		<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"/>

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
1	1	0.01%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Well Q as CFS		0	0	2.67	2.67	2.67	2.67	2.67	2.67	2.67	2.67	0	0
Interference CFS		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
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													
(A) = Total Interf.		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(B) = 80 % Nat. Q		2.13	2.70	2.85	4.82	8.60	7.46	2.30	1.12	0.78	0.78	1.60	2.02
(C) = 1 % Nat. Q		.021	.027	.0285	.048	.086	.075	.023	.011	.0078	.0078	.016	.0202
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

(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: Using the model of Hunt (2003), and parameters derived from local pump tests, potential stream depletion to the Powder River as a result of proposed groundwater pumping were calculated. Results show that expected interference are less than 1% of the 80% exceedance and instream water rights considering one year of pumping.

Figures for row (A) in the above table were corrected to reflect the values calculated using the Hunt (2003) model for total expected interference within one year, matching those in the "Interference CFS" row. The amended figures replace those from a different model result and their previous inclusion was a typographical error. Model inputs and assumptions were not changed.

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) _____

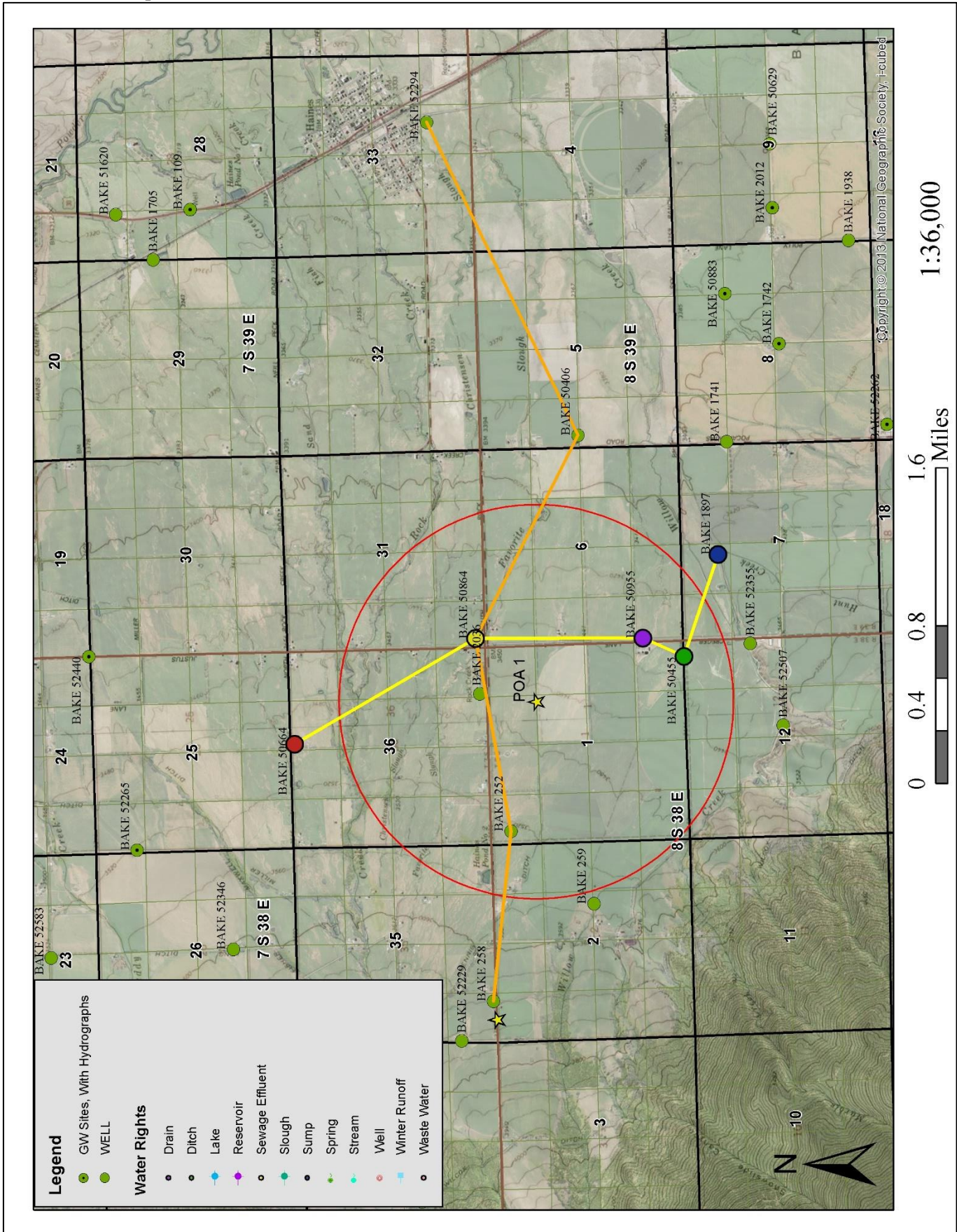
D3. **THE WELL construction deficiency or other comment is described as follows:** _____

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 #: 30920328 Time: 12:33 PM		WILLOW CR > POWDER R - AT MOUTH Basin: POWDER			Exceedance Level: 80 Date: 08/05/2021	
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	2.13	0.08	2.05	0.00	0.00	2.05
FEB	2.70	0.08	2.62	0.00	0.00	2.62
MAR	2.85	0.08	2.77	0.00	0.00	2.77
APR	4.82	5.25	-0.43	0.00	0.00	-0.43
MAY	8.60	32.30	-23.70	0.00	0.00	-23.70
JUN	7.46	38.50	-31.00	0.00	0.00	-31.00
JUL	2.30	17.40	-15.10	0.00	0.00	-15.10
AUG	1.12	5.03	-3.91	0.00	0.00	-3.91
SEP	0.78	2.64	-1.86	0.00	0.00	-1.86
OCT	0.78	0.08	0.70	0.00	0.00	0.70
NOV	1.60	0.08	1.52	0.00	0.00	1.52
DEC	2.02	0.08	1.94	0.00	0.00	1.94
ANN	3,830	6,150	1,360	0	0	1,360

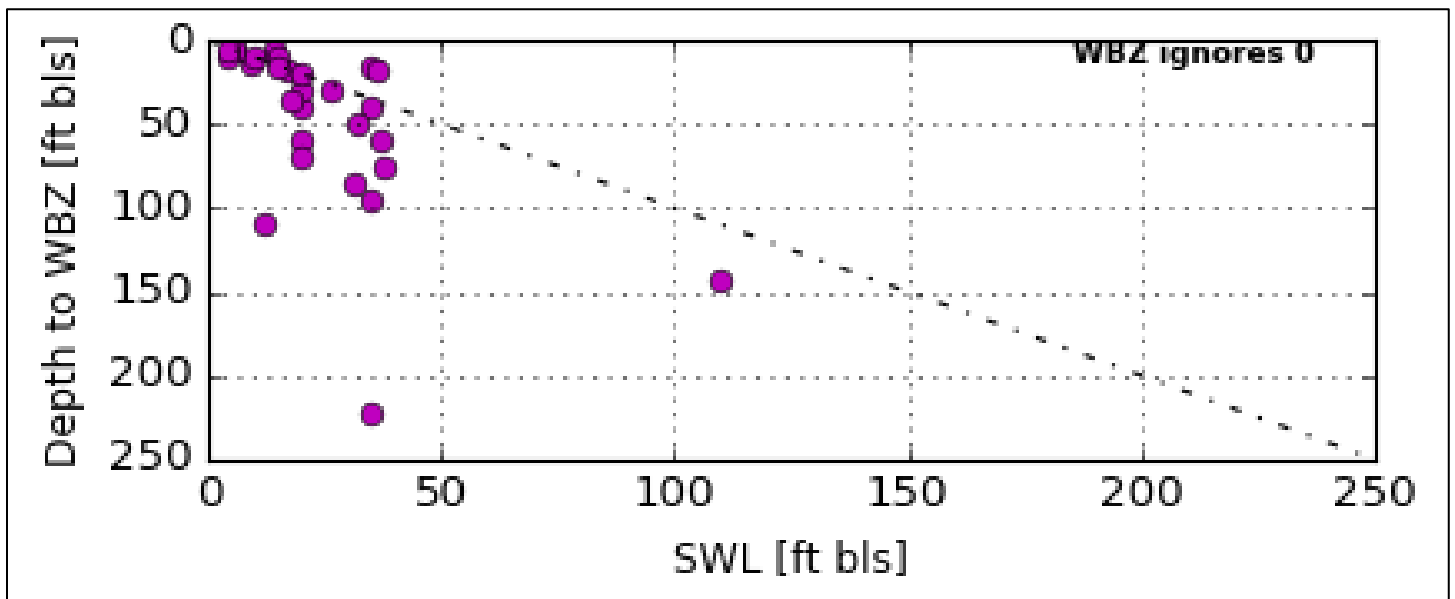
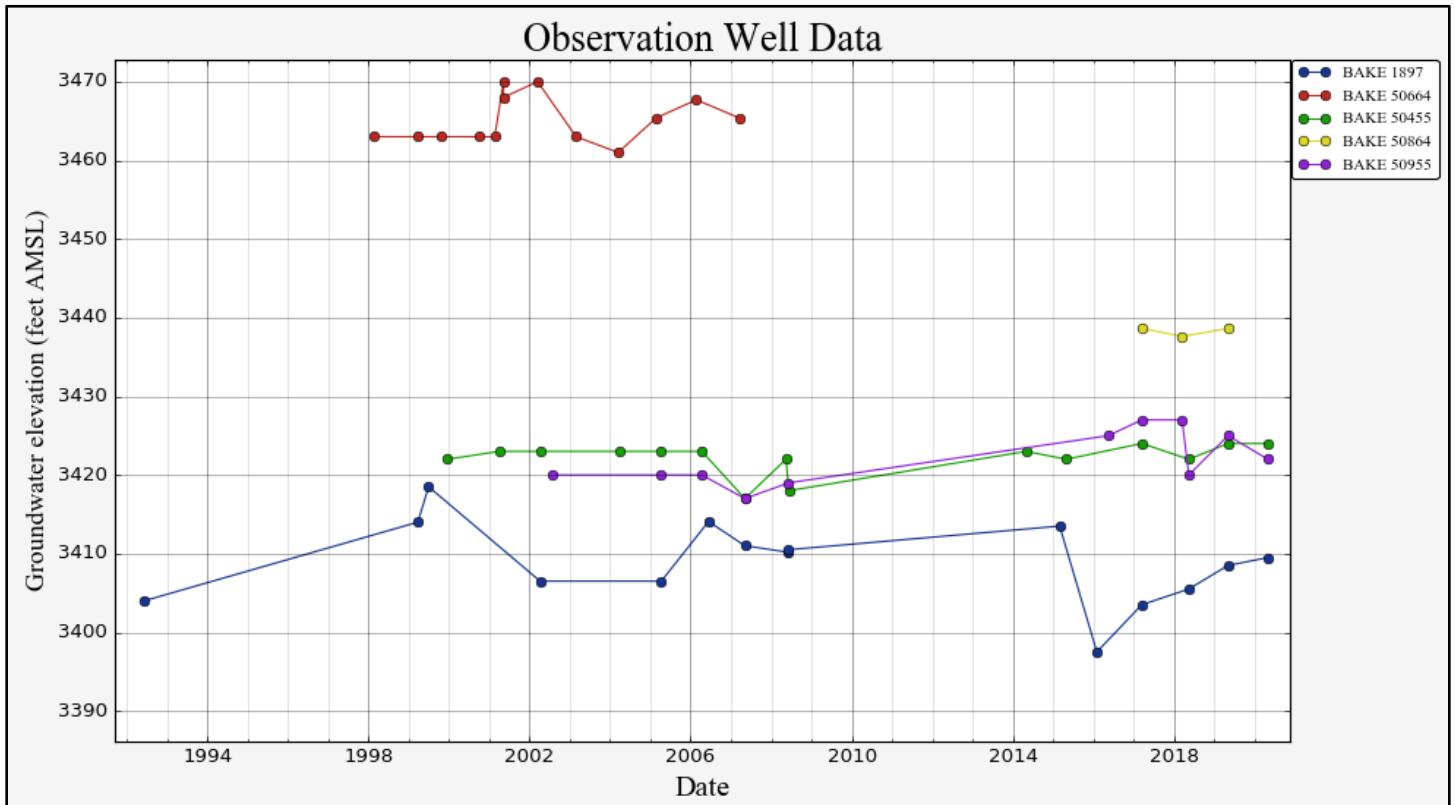
Well Location Map

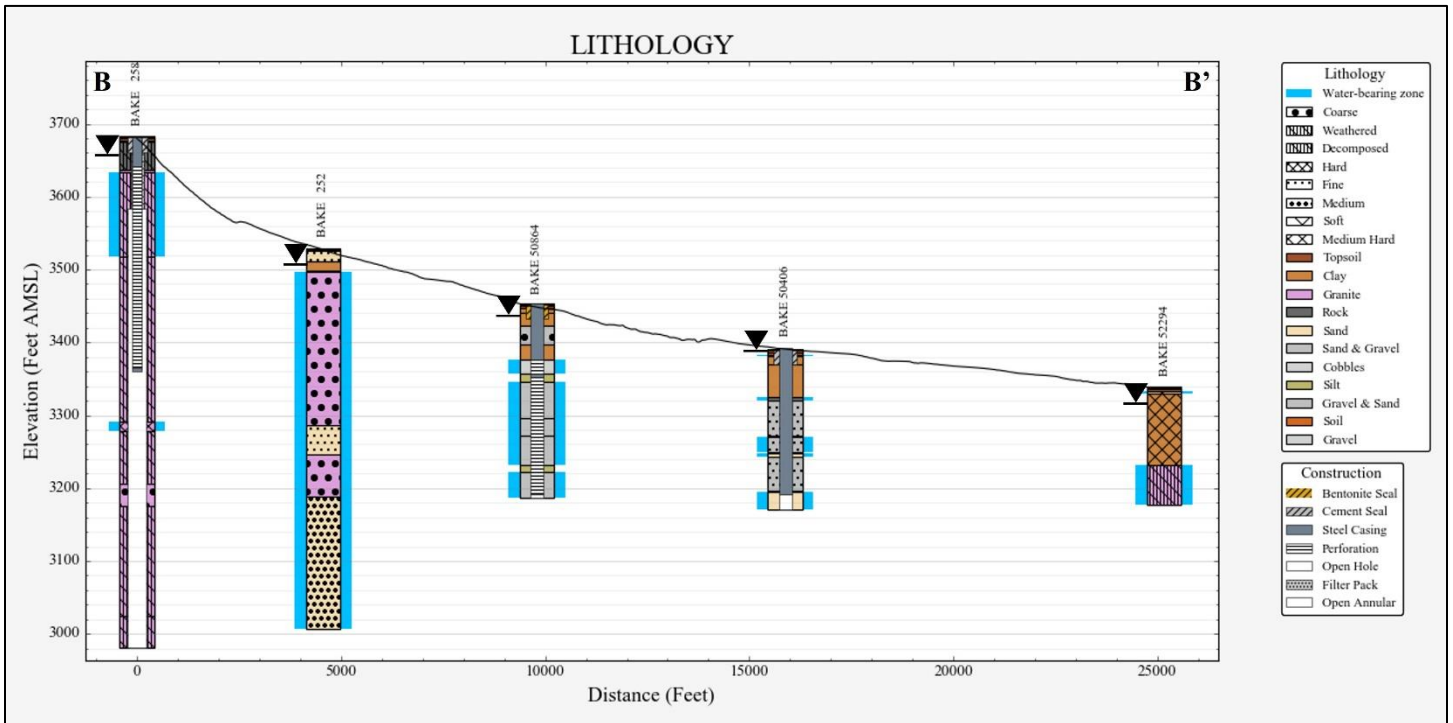
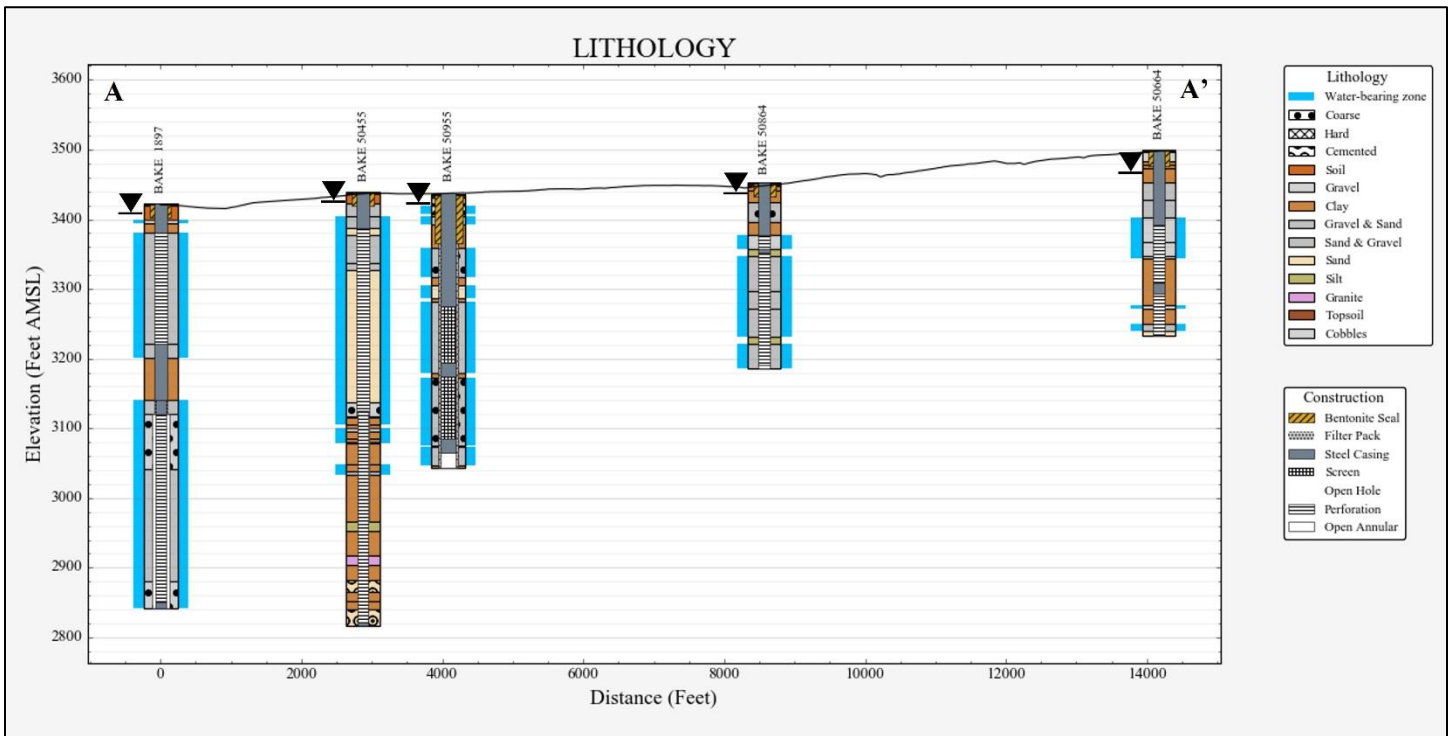


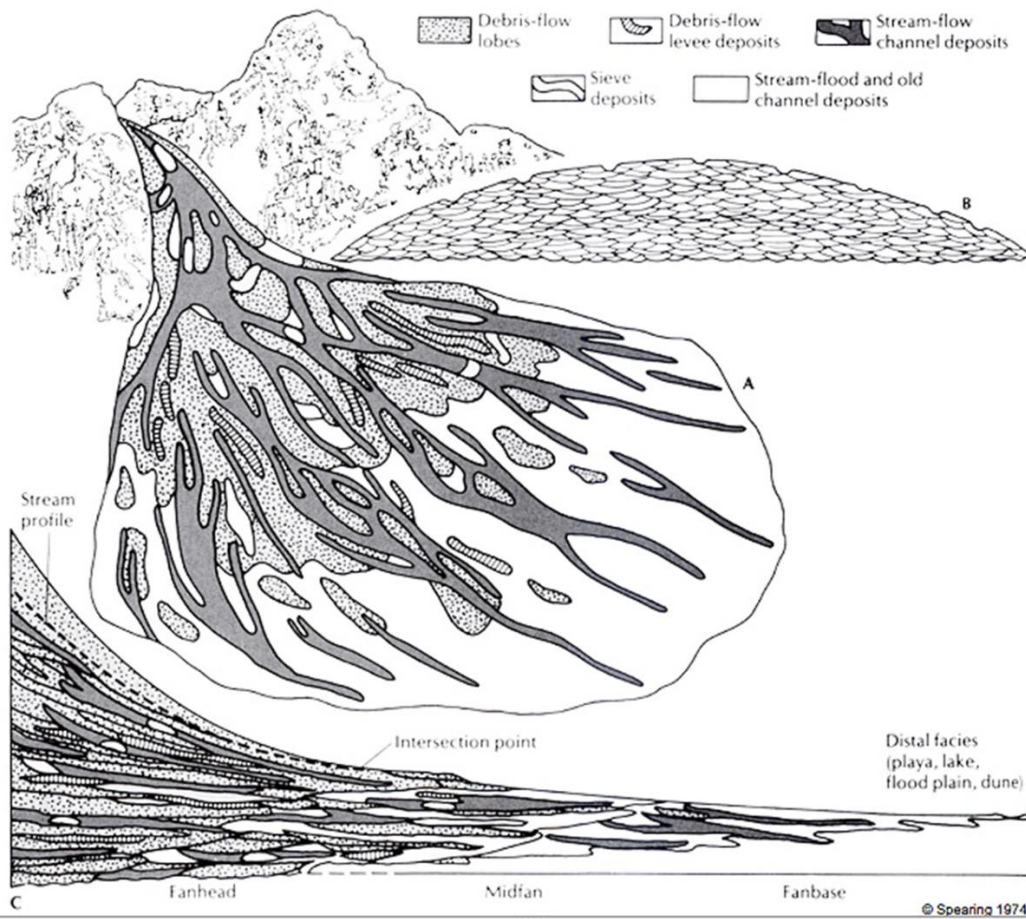
1:36,000
0 0.4 0.8 1.6 Miles

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Water-Level Measurements in Nearby Wells







View of the Rock Creek alluvial fan looking west along the axis. The depositional regime of alluvial fans results in a heterogeneous sequence with much higher transmissivity parallel to the axis of the fan.