

*This Groundwater Technical Review and the included analysis help inform the Water Rights Section's review of whether the proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525 and ORS 537.621. The Water Rights Section also considers other information sources when making its public interest determination, including watermaster input, any comments received, input from other agencies, other Commission rules not evaluated as part of the Groundwater Review, and other information.*

PUBLIC INTEREST TECHNICAL REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date: \_\_\_\_\_  
FROM: Groundwater Section \_\_\_\_\_  
SUBJECT: Application \_\_\_\_ - [App Number] \_\_\_\_\_  
Reviewer's Name  
Supersedes review of \_\_\_\_\_

Date Reviewed by GW Mgr. and Returned to WRSD: \_\_\_\_\_

**PUBLIC INTEREST PRESUMPTION: GROUNDWATER**

*OAR 690-310-0130 (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 if*

- (a) The proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12);*
- (b) Water is available;*
- (c) The proposed use will not injure other water rights; and*
- (d) The proposed use complies with the rules of the Commission.*

Department staff review groundwater applications under OAR 690-310-0140 to determine whether the presumption is established and may modify or condition the proposed use 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:**

A1. Application

Applicant's Name: \_\_\_\_\_ County: \_\_\_\_\_  
Applicant(s) seek(s) \_\_\_\_\_ cfs from \_\_\_\_\_ well(s) in the \_\_\_\_\_ Basin,  
\_\_\_\_\_ subbasin  
Proposed use \_\_\_\_\_ Seasonality: \_\_\_\_\_

## A2. Well and aquifer data:

A2 a: *Well identifiers, aquifer, rate, and location*

POA Well	Well Log ID	Applicant's Well #	Proposed Aquifer	Proposed Rate (cfs)	Location (T/R-S QQ-Q)	Latitude	Longitude
1							
2							
3							
4							

A2 b: *Well construction information by depth below land surface. All units in feet.*

POA Well	Seal		Casing		Filter Pack		Open / Perforation / Screen		Well Bottom
	Min	Max	Min	Max	Min	Max	Min	Max	
1									
2									
3									
4									

A2 c: *Well construction information by elevation above mean sea level. All units in feet.*

POA Well	Land Surface Elevation	Seal		Casing		Filter Pack		Open / Perforation / Screen		Well Bottom
		Min	Max	Min	Max	Min	Max	Min	Max	
1										
2										
3										
4										

A2 d: *Information relevant to water levels, including land surface elevation, depth of first water, recent annual high level, and reference levels for permit conditions*

POA Well	Depth of First Water from Well Log (ft bls)	Shallowest Static Water Level (ft bls)	Most Recent Annual High WL		Reference Levels for:				Well Tests			
					RSGL		Permit Conditions		(max yield on well log)			
			Depth (ft bls)	WL Date	Depth (ft bls)	Depth (ft bls)	Date	Pro- visional?	Yield (gpm)	Draw-down (ft)	Test Type	Duration (hours)
1												
2												
3												
4												

Use data from application for proposed wells.

“SWL” = static water level (most recent or representative SWL). “amsl” = above mean sea level. “bls” = below land surface

Comments: \_\_\_\_\_

A3. Description of hydrogeologic setting / conceptual model: \_\_\_\_\_

SAMPLE

**B. BASIN PROGRAM:**

OAR 690-310-0130 (1)(a)

- B1. ☐ **Provisions of the** \_\_\_\_\_ 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- B2. ☐ **Well(s) #** \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, are limited by an administrative restriction under the applicable basin program.

Comments: \_\_\_\_\_  
\_\_\_\_\_



C1b. Summary finding for this application. Check only one primary finding. It is possible that different proposed POAs could access different parts of the GW reservoir, and for some of those parts to be Reasonably Stable while others are not. In that case, summary finding for the application should be “Not Reasonably Stable,” and the reviewer should indicate which POAs access part(s) of the groundwater reservoir that are Reasonably Stable. OAR 690-008-0001(9)(a): *Annual High Water Levels as measured at one or more representative wells in a groundwater reservoir or part thereof*:

☐ **Are Reasonably Stable**

☐ Groundwater has not yet been extracted or authorized for extraction from the groundwater reservoir

☐ **Are Not Reasonably Stable**

☐ If some Proposed POAs are Reasonably Stable, list the Reasonably Stable POAs here: \_\_\_\_\_

☐ **Sufficient data are not available to evaluate reasonable stability**

List representative wells identified during review that could be measured in order to overcome a finding of Insufficient Data: \_\_\_\_\_

Comments: \_\_\_\_\_

C1c. OAR 690-008-0001(d): Evaluation for reasonably stable water levels per superseding basin program rules OAR 690-\_\_\_\_ for the \_\_\_\_ administrative basin.

Comments: \_\_\_\_\_

## **C2. Well Yield**

C2a. OAR 690-300-0010(57)(e): Is the total requested rate of groundwater allocation obtainable by the expected yield of the well(s) proposed in the application given best available information?

☐ **Yes**      ☐ **No**

Comments: \_\_\_\_\_

## **C3. Groundwater Interference with Surface Water**

OAR 690-300-0010(57): “Water is Available”, when used in OAR 690-310-0080, 690-310-0010 and 690-310-0130, means [...]:  
(f) *The proposed groundwater use does not have the Potential for Substantial Interference (OAR 690-009-0020(5)) with a surface water source [that is not available for further appropriation]*

OAR 690-009-0040: (1) *When evaluating a Proposed Groundwater Use, Hydraulic Connection and the Potential for Substantial Interference with a surface water source shall be determined by the Department according to these rules. These determinations shall be based upon the application of generally accepted hydrogeologic principles using best available information concerning the hydrologic system of interest and the well(s) under consideration.*

(a) *Appropriate information that is provided in the application or in the public comment period for the application shall be considered in the process of making these determinations.*

(b) *Best available information may include, but is not limited to, pertinent water well reports, aquifer test analyses, hydrologic and geologic studies and reports, groundwater and surface water elevation data, available numerical and analytical groundwater flow models, and any other information that is used in applying generally accepted hydrogeologic principals and methodologies.*

(2) *A determination of Hydraulic Connection is a prerequisite for a determination of the Potential for Substantial Interference.*

(3) *A determination of the Potential for Substantial Interference with a surface water source shall at a minimum include application of the generally accepted hydrogeological principles described in “Streamflow Depletion by Wells – Understanding and Managing the Effects of Groundwater Pumping on Streamflow” by P. M. Barlow and S. A. Leake, 2012.*

(4) *The Potential for Substantial Interference with a surface water source exists if the well(s) under consideration will, over the full term of the proposed or authorized groundwater use, obtain water from Streamflow Depletion.*

OAR 690-009-0020(4): “Hydraulic Connection” means saturated conditions exist allowing water to move between two or more sources of water, either between groundwater and surface water or between groundwater sources.

OAR 690-009-0020 (7) “Streamflow Depletion” means a reduction in the flow of a surface water source due to pumping a hydraulically connected groundwater source. Streamflow Depletion encompasses:

(a) *captured groundwater that would otherwise discharge to a surface water source; or*

(b) *induced infiltration from a surface water source to the hydraulically connected groundwater source.*

C3a. OAR 690-009-0020(5): *Potential for Substantial Interference*", or "PSI", means that a groundwater use will cause streamflow depletion based on the assessments described in OAR 690-009-0040, and therefore may cause or has caused substantial interference with or undue interference with a surface water source, based on the definitions in OAR 690-008-0001.

Summary of surface water sources evaluated for hydraulic connection and Potential for Substantial Interference. For hydraulic connection and potential for substantial interference, a value of 1 means yes, and blank means no.

POA Well	WRD Streamcode	Streamcode Surface Water Name	Water Availability Basin (WAB)	WAB Watershed ID	Hydraulically Connected	Potential for Substantial Interference

Comments: \_\_\_\_\_

List all surface water sources identified to have PSI and their associated Water Availability Basin:

WRD Streamcode	Streamcode Surface Water Name	Water Availability Basin (WAB)	WAB Watershed ID

Comments: \_\_\_\_\_

**D. INJURY:**

*OAR 690-310-0130 (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 if...(c) The proposed use will not injure other water rights.*

To make a finding of injury to an existing water right, the Department must make a finding of “Substantial Interference” as defined in OAR 690-008-0001(10). The finding of “Substantial Interference” with a surface water right is made by the Water Rights Services Division based on the evaluation in section C3. Sections D1 and D2, below, address the finding of “Substantial Interference” with a groundwater right.

*OAR 690-008-0001(10): “Substantial or Undue interference”, means the spreading of the cone of depression of a well to intersect a surface water source or another well, or the reduction of the groundwater levels as a result of pumping or otherwise extracting groundwater from an aquifer, which contributes to:*

- (b) The groundwater level being drawn down to the Economic Pumping Level of the senior appropriator(s); or*
- (c) One or more of the senior groundwater appropriators being unable to obtain either the permitted or customary quantity of groundwater, whichever is less, from a reasonably efficient well that fully penetrates the aquifer where the aquifer is relatively uniformly permeable. However, in aquifers where flow is predominantly through fractures, full penetration may not be required as a condition of substantial or undue interference.*

D1a. OAR 690-008-0001(10): Will the proposed groundwater use result in substantial or undue interference with an existing groundwater user?

☐ Yes      ☐ No      ☐ No, as long as the permit is conditioned as indicated in item F below.

Comments: \_\_\_\_\_



**E. OTHER RULES OF THE COMMISSION:**

*OAR 690-310-0130 (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 if...(d) The proposed use complies with the rules of the Commission.*

**E1. OAR 690-200, 690-210 and 690-215: Well Construction**

Identify any notable well construction deficiencies or hydrogeologic considerations to support review by Well Construction & Compliance.

E1a. Well #: \_\_\_\_\_ Logid: \_\_\_\_\_

E1b. Well construction deficiency or other comment is described as follows: \_\_\_\_\_

**E2. OAR 690-310-0260: Water Rights Within or Above State Scenic Waterways**

E2a. Are any of the proposed sources of appropriation hydraulically connected to a State Scenic Waterway or its tributaries?  
☐ Yes ☐ No

Hydraulically connected State Scenic Waterway: \_\_\_\_\_  
 Comments: \_\_\_\_\_

E2b. Per ORS 390.835, is the Groundwater Section able to calculate ground water interference with surface water that contributes to a Scenic Waterway?

☐ **Yes. The calculated interference is distributed below:**

*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 "No" option below, 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

☐ **No. 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.**

Comments: \_\_\_\_\_

**E3. Other Relevant Rules of the Commission:**

Comments: \_\_\_\_\_

**F. RECOMMENDED MODIFICATIONS OR CONDITIONS:**

*OAR 690-310-0140(2): If the Department determines that the presumption is not established, the Department shall determine whether the proposed use will impair or adversely affect the public welfare, safety and health under ORS 537.525 and may either:*

*(a) Propose denial of the application upon a finding that the use will impair or adversely affect the public welfare, safety and health; or*

*(b) Make specific findings to demonstrate that even though the presumption is not established, the proposed use will not impair or adversely affect the public welfare, safety and health and propose approval of the application with appropriate modifications or conditions.*

Based on the findings in sections A-D above, the following conditions are recommended if the permit is approved:

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**REFERENCES:**

SAMPLE

**ATTACHMENTS:**

**Well Location Map**

**Water-Level Measurements in Nearby Wells**

SAMPLE