Groundwater Transfer Review Summary Form

Transfer/PA # T- _14729_

GW Reviewer _Dennis Orlowski_ Date Review Completed: _December 10, 2025_

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Water Level Decline Condition Review:

☐ Water levels at the original point(s) of appropriation have exceeded the allowed decline threshold defined by conditions in the originating water right.

Note: the two currently-authorized POA CLAC 19441/57291 and CLAC 59817 obtain groundwater from two discretely different aquifer sources (CLAC 59817 actually commingles two discrete sources). A permit decline condition for CLAC 59817 has been exceeded, but not for CLAC 19441/57291. Because the proposed APOA for this permit amendment have the same aquifer source as CLAC 19441/57291 but not CLAC 59817, it is assumed that the persistent decline trigger in CLAC 59817 **does not apply** to this review.

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.

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Ground Water Review Form:

- ☐ **Water Right Transfer**
- ☒ **Permit Amendment**
- ☐ **GR Modification**
- ☐ **Other**

Application: T-14729

Applicant Name: Emmert Folsom West; Emmert Folsom East LLC; Phyllis Brinkley; J. and K. Rattanapaibooncharoe

Proposed Changes: ☒ POA ☒ APOA ☐ SW→GW ☒ RA ☐ USE ☐ POU ☐ OTHER

Reviewer(s): Dennis Orlowski Date of Review: December 10, 2025

Date Reviewed by GW Mgr. and Returned to WRSD: December 10, 2025

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.

☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.

☐ Other _____

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1. Basic description of the changes proposed in this transfer: This proposed permit amendment relates to **permit G-15460,** which authorizes the use of groundwater pumped from eight POA for nursery uses on 124.8 acres located in Clackamas County. Permit G-15460 allows a combined maximum instantaneous pumping rate of 3.12 cfs (~1400 gpm), which corresponds to 0.025 cfs per acre[1] applied to 124.8 acres.

   As of this review there are two authorized wells: **CLAC 19441/57291** ("Well 1") and **CLAC 59817** ("Gentry Well 1"). Wells have not been completed at the remaining six authorized POA locations: "Wells 2-5", "Gentry Well 2", "Gentry Well 3."

   (Note: permit G-15460 was: (1) initially issued on July 10, 2003, (2) has been extended three times, (3) has been assigned multiple times, and (4) has been modified via two previous permit amendments (T-9594 (2003), T-10322 (2007)). However, despite the amendments, corresponding superseding permits were never issued, and thus the use is still authorized by original permit G-15460 *as modified by T-9594, T-10322, and three extension final orders*. Though the permit amendment applications were fraught with errors (e.g., requesting *changes* to POA when the actual intent was to *add* APOA), the cumulative end result increased the number of authorized POA locations to eight).

[1] 0.025 cfs/acre equates to 1/40 cfs/acre, which is the standard for irrigation of containerized nursery plants

This permit amendment application proposes to add three new APOA – all existing wells - to permit G-15460:

- **CLAC 59769 ("Well 6")**
- **CLAC 15800 ("Well 7")**
- **CLAC 51060 ("Well 8")**

The locations of these existing wells do not coincide with the locations of the six previously-authorized POA for which a well has not been completed (i.e., these wells are in addition to the currently-authorized eight POA locations).

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The two currently-existing authorized POA wells obtain groundwater from different aquifer sources. CLAC 19441/57291 ("Well 1") obtains groundwater primarily from the Troutdale Formation, which at this location also includes a thick interbed of the Rhododendron Formation. CLAC 59817 ("Gentry Well 1") on the other hand obtains groundwater from both the Rhododendron/Troutdale Formations in addition to the underlying and discretely-different Columbia River Basalt Group (CRBG) aquifer system (Conlon and others, 2005; Gannett and Caldwell, 1998; McFarland and Morgan, 1996). The only somewhat-related provision in permit G-15460 states that "*groundwater for use under this permit shall be produced from no shallower than 100 feet below land surface*"; this condition was included to reduce the possibility of interference with nearby streams, but not to prevent different aquifer sources from being developed.

Furthermore, the final order for previous related transfer T-10322 states that *"the Department's Groundwater Section determined on May 15, 2007 that proposed Gentry Wells #2 and #3 must be constructed so that groundwater is developed from within a single aquifer in one of the following geologic formations: the Wanapum Basalt Formation of the Columbia River Basalt Group; the Grande Ronde Basalt Formation of the Columbia River Basalt Group; or the Troutdale or Rhododendron Formation."*

The proposed APOA wells (CLAC 59769, CLAC 15800, CLAC 51060) range in total depth from 220 to 268 feet, and obtain groundwater from the Troutdale and/or Rhododendron Formations, the **same source** present in authorized POA CLAC 19441/57291.

3. a) Is the existing authorized POA subject to a water level decline condition?
☒ Yes ☐ No Comments: (a) average water level decline of three or more feet per year for five consecutive years; or (b) a total water level decline of fifteen or more feet; or (c) a hydraulic interference decline of fifteen feet or more in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

b) If yes, for each POA identify the reference level, most recent spring-high water level, and whether an applicable permit decline condition has been exceeded:

- CLAC 19441/57291 ("Well 1") reference level: 254.25 ft bls (3/10/2009)
- CLAC 59817 ("Gentry Well 1") reference level: 145.00 ft bls (1/20/2004)

(Note: both of the above reference levels were initially established by GW Section staff on 6/29/2021 as part of a permit extension review for permit G-15460. The reference level for CLAC 19441/57291 was subsequently revised to the one listed above by GW staff on 7/29/2021 (related correspondence is available in the Application G-15528/permit G-15460 file)).

Most recent spring high-water levels:

- CLAC 19441/57291: 173.86 ft bls (3/3/2025)
- CLAC 59817: 238.02 ft bls (3/3/2025)

A permit decline condition (total water level decline > 15 feet) has been exceeded for CLAC 59817; this exceedance has existed beginning with the first measurement submitted to OWRD in 2008, and has persisted since that time (see attached hydrograph).

However, the existing wells proposed under this permit amendment as APOA are not completed in the same source as CLAC 59817; instead, those wells share a source with CLAC 19441/57291, which has not exceeded any permit decline conditions.

4. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

☒ Yes ☐ No Comments: As discussed previously in Section 2 of this review, authorized POA CLAC 59817 ("Gentry Well 1") obtains groundwater from both the Rhododendron/Troutdale Formations in addition to the underlying Columbia River Basalt Group (CRBG) aquifer system. The other authorized POA CLAC 19441/57291 obtains groundwater from the Troutdale/Rhododendron Formation system, which is considered a single aquifer source.

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): Not applicable for this review because proposed APOA will not obtain groundwater from the same dual sources as CLAC 59817.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☒ Yes ☐ No Comments: Of the three proposed APOA, CLAC 15800 ("Well 7") presents the most likely increase in interference with another groundwater right. Relative to the locations of authorized POA CLAC 59817 ("Gentry Well 1") and "Well 2" (TBD), CLAC 15800 is approximately 900 feet nearer to CLAC 19268/66458. CLAC 19268/66458 is a domestic use well deepened to 300 feet, that obtains groundwater from the Rhododendron/Troutdale Formation aquifer system.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: Despite the relative proximity of proposed APOA CLAC 15800 to CLAC 19268/66458, injury would likely not be found because the latter is 300 feet deep, whereas the total thickness of the Rhododendron/Troutdale Formation aquifer system at this location is approximately 800 feet thick (as denoted by the USGS for CLAC 59817 (USGS, 2003)). Consequently, CLAC 19268/66458 does not fully penetrate the aquifer, and thus injury due to substantial or undue interference would likely not be found (OAR 690-380-0100(10)).

6. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

   ☐ Yes ☒ No Comments: Relative to the authorized POA locations, none of the three proposed APOA are nearer to hydraulically-connected streams (nearest being a tributary to the Clackamas River to the north). Thus it is not likely that the proposed change will result in an increase in interference with this or other nearby surface water sources.

   b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

   Stream: _____ ☐ Minimal ☐ Significant

   Stream: _____ ☐ Minimal ☐ Significant

   Provide context for minimal/significant impact: N/A

7. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

   ☐ Yes ☒ No Comments: N/A

8. What conditions or other changes in the application are necessary to address any potential issues identified above: None

9. Any additional comments: One of the two authorized POA, CLAC 59817, has exceeded its permit condition for total allowable water-level decline. However, because the three proposed APOA access a different source present in the other authorized POA (CLAC 19441) which has not triggered a decline condition, it can be concluded that groundwater is still legally available from the *relevant* authorized source.

References

Application T-14729. Application File G-15528.

Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon, Scientific Investigations Report 2005-5168: U. S. Geological Survey, Reston, VA.

Gannett, M.W. and Caldwell, R., 1998, Geologic framework of the Willamette Lowland aquifer system, Oregon and Washington, Professional Paper 1424-A, 32 p: U. S. Geological Survey, Reston, VA.

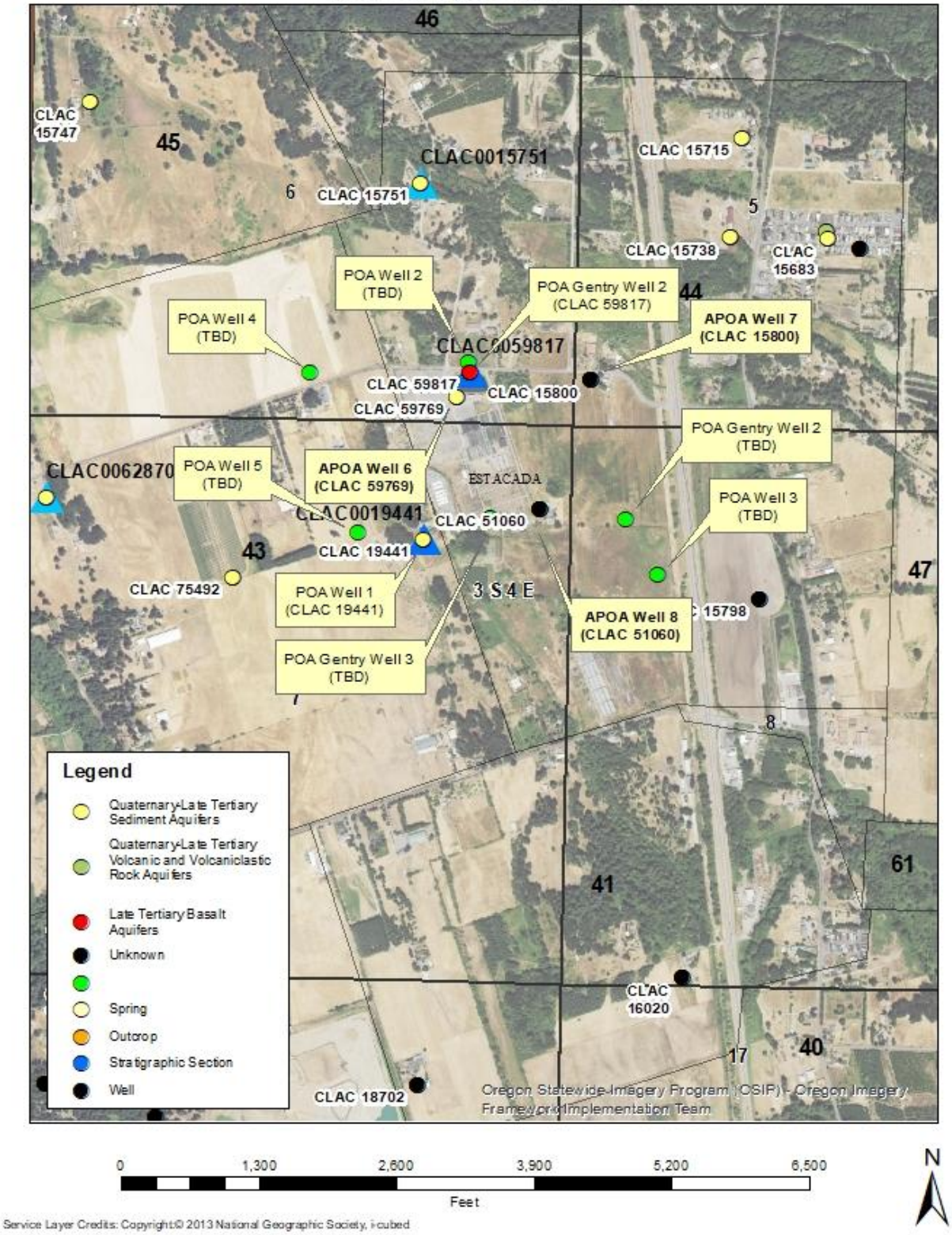
McFarland, W.D., and Morgan, D.S., 1996, Description of the Ground-Water Flow System in the Portland Basin, Oregon and Washington, Water Supply Paper 2470-A, 58 p: U. S. Geological Survey, Reston, VA.

Oregon Lidar Consortium (OLC), 2016, OLC Metro 2014 lidar project, Oregon Department of Geology & Mineral Industries, Portland, OR, November 30.

United States Geological Survey, 2003, Geologic Log for Site CLAC 59817 (T. Tolan, 2003) clac_59817_geol.pdf .

United States Geological Survey, 2014, National Hydrography Dataset (NHD), 1:24,000, U. S. Department of the Interior, Reston, VA.

Application T-14729 Emmert Folsom and others
T3S, R4E, Sections 5-8



Hydrograph showing authorized POA CLAC 19441/57291 and CLAC 59817. Dashed lines show the reference levels established for both wells; note that for CLAC 19441/57291 only the lower reference level (254.25 ft BLS) is applicable.