

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14829

GW Reviewer Darrick E. Boschmann Date Review Completed: 03/19/2026

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.

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-14829

Applicant Name: Henricks

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 03/19/2026

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 7/29/26

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 application is related to certificate 93921 which authorizes surface water diversion from 10 POD in the Malheur Lake Basin (Pueblo Valley).

1. Surface water to groundwater transfer – transferring surface water POD (POD H, 1-4) to two wells (“#1” = HARN 52406; “#2” = HARN 1815).

2. Rearrange the POU.

Note: there is no driller’s well log for HARN 52406. Very little information is available about this well, and it is unknown if this well meets well construction standards.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?

☐ Yes ☐ No Comments: _____

N/A. This is a surface water to groundwater transfer pursuant to ORS 540.531 and OAR 690-380-2130. See item 7 below.

3. a) Is the existing authorized POA subject to a water level decline condition?
☐ Yes ☒ No Comments: _____
- 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: _____
4. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No Comments: _____

In reference to the two proposed wells:

The area immediately underlying the proposed wells is mapped as Qal (alluvium), which is underlain by QTs (sedimentary deposits; lacustrine, fluvial, and aeolian sedimentary rocks, interstratified tuff, ashy diatomite, and unconsolidated clay, sand, silt, and gravel), and Tst (semiconsolidated lacustrine tuffaceous sandstone and siltstone, ash and ashy diatomite, conglomerate and minor fanglomerate, boulder bearing slope wash, vitric-crystal and vitric-lithic tuff, pumice lapilli tuff, and tuff breccia), which are in turn underlain by Taf (basalt, basaltic-andesite, andesite lava flows and breccias and interbedded tuffaceous sedimentary rocks and tuff) (Walker and Reppening, 1965).

Based on the well log for HARN 1815 and the relative location of HARN 52406 it is likely that both wells produce groundwater from Qal, QTs, and possibly Tst, which together constitute the basin filling deposits in this area.

- 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.): _____
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: _____

Groundwater pumping at the proposed locations will result in an incremental increase in interference with existing wells developing groundwater in this area.

- 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: _____

The nearest authorized wells to the proposed wells are located approximately 1.5 miles to the northwest. Any increase in interference with existing wells will not meet the standard for substantial or undue interference given the thickness of the aquifer system in this area.

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: _____

Groundwater pumping at the proposed wells will result in an incremental increase in interference with surface water at Pueblo Slough.

- 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: Pueblo Slough ☒ Minimal ☐ Significant

Stream: _____ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: Given the distance between the proposed wells and Pueblo Slough (~3 miles) any increase in interference will be minimal.

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: _____

Surface water POD under consideration:

“H” = POD 6 - HOLLOWAY DITCH > COTTONWOOD CREEK

“#1” = POD 7 - COTTONWOOD CREEK > PUEBLO SLOUGH

“#2” = POD 8 - COTTONWOOD CREEK > PUEBLO SLOUGH

“#3” = POD 9 - COTTONWOOD CREEK > PUEBLO SLOUGH

“#4” = POD 10 - COTTONWOOD CREEK > PUEBLO SLOUGH

OAR 690-380-2130 (2) establishes criteria by which OWRD may allow a transfer of a surface water POD to a groundwater POA, including the following:

- a) The criteria in OAR 690-380-5000 are met (i.e., general transfer considerations);
- b) **Hydraulic connection:** the new point of diversion appropriates ground water from an aquifer that is hydraulically connected to the authorized surface source; and
- c) **Similarity:** the proposed change in point of diversion will affect the surface water source similarly* to the authorized point of diversion specified in the water use subject to transfer; and
- d) **Proximity:** the withdrawal of groundwater at the new point of diversion is located within 500 feet of the surface water source and, when the surface water source is a stream, is also located within 1000 feet upstream or downstream of the original point of diversion as specified in the water use subject to transfer; or
- e) If the distance requirements in subsection (2)(d) of this rule are not met, the holder of a water use subject to transfer shall submit to the Department evidence prepared by a licensed geologist that demonstrates that the use of the groundwater at the new point of diversion will meet the criteria set forth in subsections (2)(a) to (c) of this rule.

*Similarly means that the use of groundwater at the new point of diversion affects the surface water source specified in the permit or certificated or decreed water right and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping (690-380-2130(11)(b)).

690-380-2130(2)(b) Hydraulic Connection:

Perennial stream reaches in this setting typically infiltrate into the basin-fill sediments as they enter the margins of Pueblo Valley. Downstream of the perennial reaches, the streams become intermittent or seasonal, flowing only during spring high-runoff periods. In these intermittent reaches, groundwater is generally separated from the stream by an unsaturated zone and remains hydraulically disconnected for at least part of the year. The hydraulic connection between groundwater and surface water in this setting is generally limited to the upstream perennial reaches, the active length of which likely varies from year to year.

Farther into the valley, groundwater discharges to the perennial reach of Pueblo Slough, as indicated by springs located about three miles east of the proposed wells. Reports of flowing wells adjacent to Pueblo Slough further support the presence of upward vertical gradients and groundwater discharge to surface water at Pueblo Slough.

The only available static water-level data for the proposed wells is the September 17, 1974 measurement reported on the HARN 1815 well log, which indicates a depth to water of 32 feet below land surface. The log also reports that water was first encountered at 40 feet below land surface, demonstrating the presence of a substantial unsaturated zone between groundwater and the overlying surface-water points of diversion (POD). Additional wells across Pueblo Valley in this region report static water levels ranging from approximately 15 to 35 feet below land surface, further confirming the presence of the unsaturated zone in this area. Collectively, these data support the conceptual model described above: groundwater is not hydraulically connected to surface water at the POD under consideration here. Instead, hydraulic connection occurs along the perennial upstream reaches of the tributary streams, which are located a significant distance to the east and northeast of the surface water POD.

Finding: The proposed groundwater points of diversion do not appropriate groundwater from an aquifer that is hydraulically connected to the authorized surface source at the location of the authorized surface water POD.

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8. What conditions or other changes in the application are necessary to address any potential issues identified above: none.
9. Any additional comments: none.

References:

Walker, G.W., and Repenning, C., 1965, Reconnaissance geologic map of the Adel quadrangle, Lake, Harney, and Malheur Counties, Oregon: Reston, Va., U.S. Geological Survey Interpretive Map I-446, scale 1:250,000.

