

EMERGENCY DROUGHT APPLICATION: GROUNDWATER REVIEW

TO: Water Rights Section Date 5/29/2026
 FROM: Groundwater Section Joe Kemper
 Reviewer's Name

SUBJECT: Application G- 19532

DROUGHT MITIGATION; GROUNDWATER

This review is based on authorities laid out in OAR 690-019 Drought Mitigation rules. This is an expedited review to evaluate an emergency request for groundwater use for one season under a Governor’s drought declaration. Notwithstanding groundwater availability (OAR 690-300 and -310) and State Scenic Waterway considerations, the Department may issue a drought permit for short-term emergency use provided that there is no injury and that the use is within the public interest as per OAR 690-019-0040(3). **This review is based upon available information and agency policies in place at the time of evaluation.**

A. GENERAL INFORMATION: Applicant’s Name: Ted & Nancy Fehrenbacher County: Crook

A1. Applicant(s) seek(s) 0.88 cfs from 1 well(s) in the Deschutes Basin,
Lower Crooked subbasin

A2. Proposed use Suppl Irrigation (71.6 acres) Seasonality: 4/1/2026 to 11/1/2026

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)	Latitude	Longitude
1	CROO 54943	1	Volcanics	0.88	14S/14E-7 SW-SE	44.367082	-121.093149

* 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	2834	139	116	8/25/2020	195	0-38.5	+1.5-38.5	NA	NA	350	-	Air

Use data from application for proposed wells.

A4. **Comments:** The applicant’s proposed POA is located within the Deschutes Ground Water Study Area as defined in rules OAR 690-505. This requested use would be supplemental to certificates 72197 and 76714. The total volume requested is 120 AF.

B. GROUNDWATER/SURFACE WATER CONSIDERATIONS:

B1. Is there information that this drought groundwater use will **injure senior spring or surface water rights** during the duration of the drought declaration?

(Yes) (No) If yes, explain: Although the proposed POD is within the Deschutes Ground Water Study Area (OAR 690-505-0600) and hydraulically-connected to surface water within the Deschutes Basin, there is not a preponderance of evidence that the use will injure specific surface water rights during the duration of the drought declaration.

B2. Is there information that this drought groundwater use will **injure senior groundwater rights** during the duration of the drought declaration?

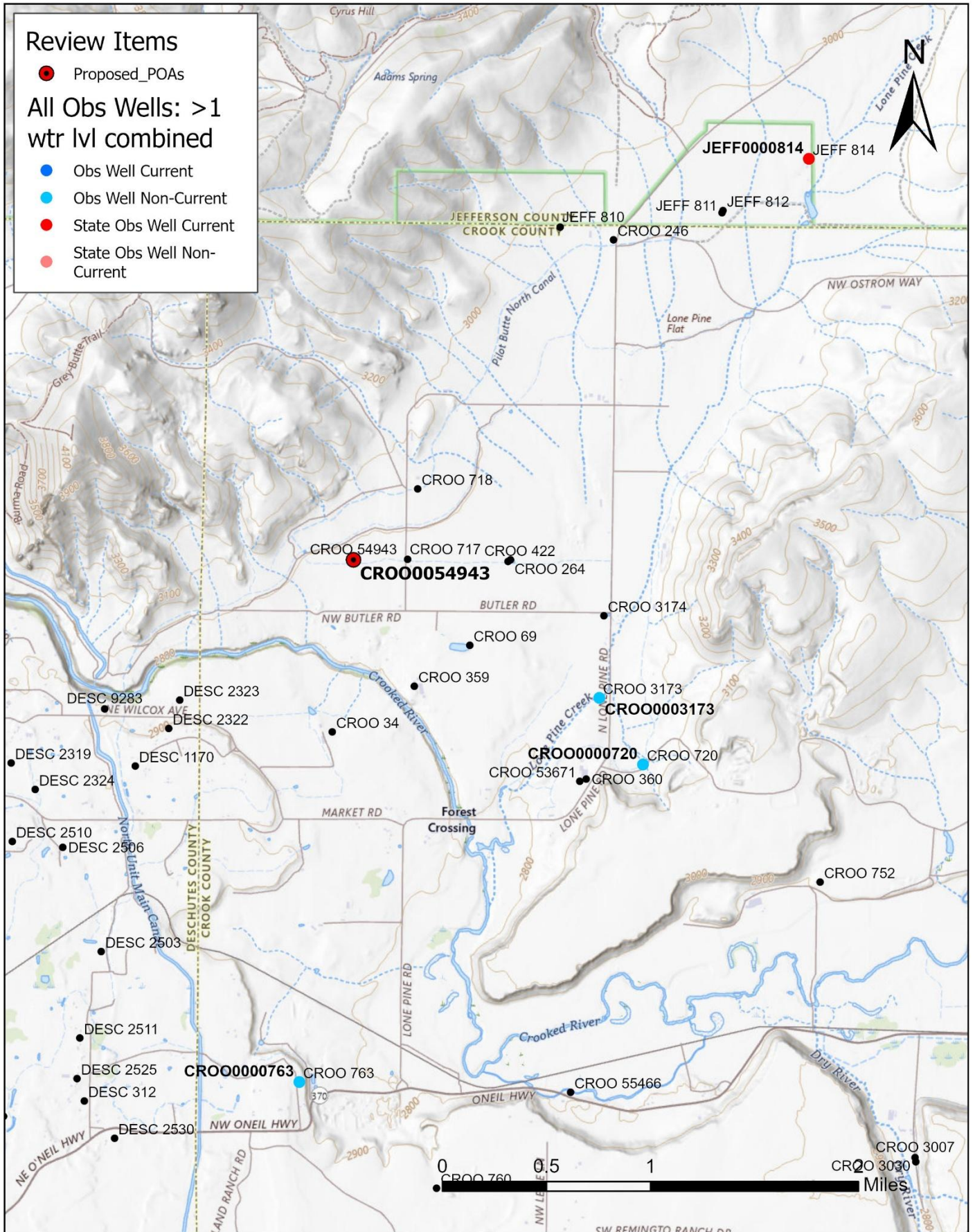
(Yes) (No) If yes, explain: The applicant’s well accesses at aquifer hosted within the Basalt of Newberry and potentially at the contact between this lava flow with the underlying John Day Formation. The target aquifer may have limited lateral extent because of the Crooked River’s incision into the lava flow and the contact with Quaternary sediments to the NE. The river may also influence the aquifer. The closest senior groundwater user is likely more than 1350 feet from the applicant’s well. Well-to-well interference that may result from the proposed use is unlikely to be of high enough magnitude to be considered injury to a senior groundwater user. There is concern that groundwater levels in this area may decline as the Lone Pine Irrigation District system is piped.

B3. Has the requested groundwater reservoir or part thereof **Declined Excessively**?

(Yes) (No) If yes, explain: Observation wells in the target aquifer do not show excessive declines.

- B4. Groundwater levels **do NOT meet the definition of Reasonably Stable Groundwater Levels** (including insufficient data): **Yes** **No** If yes, explain: There is insufficient data to meet the definition of reasonably stable water levels in the target aquifer.
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- B5. Will the total requested rate of groundwater allocation **exceed what is obtainable by the expected yield of the well(s)** proposed in the application given best available information?
 Yes **No** If yes, explain: The requested rate is commensurate with the yield reported on the well log.
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- B6. There is the **Potential for Substantial Interference** with surface water (if yes, list nearest or likely most-impacted stream) **Yes** **No** If yes, explain: Per OAR 690-505-0600(1) the Department has determined that ground water appropriations within the Deschutes Ground Water Study Area have the potential for substantial interference with surface water rights.
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- B7. 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 **State Scenic Waterway**.
 Yes **No** If yes, explain: OAR 690-505-0600 states that “ground water appropriations within the Deschutes Ground Water Study Area...will measurably reduce scenic waterway flows as defined in OAR 380-835...”.
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- B8. **Proposed Permit Conditions:** *If a permit is issued, include:*
- Condition 7B** (Interference Condition): Drought permits are junior to existing water rights and are subject to regulation
- Condition 7P** (Well Tag): If there is no existing OWRD Well ID Tag on the well, one shall be attached
- Large Water Use Reporting Condition:** totalizing flowmeter and reporting required. Include condition that “the readings must be reported to the Department by December 31, 2026.”
- Special Condition - Regulation:** “Groundwater pumping under this permit shall discontinue or be reduced if area wells with permanent primary and/or supplemental groundwater rights are being regulated off due to groundwater level decline or interference with senior water rights unless the Department determines no action is necessary (pumping under this permit can continue) because the groundwater resource can sustain continued groundwater pumping without causing substantial interference with senior water rights.”
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- Special Condition – Static Water Level Measurement Access:** The permittee shall allow Department staff, upon reasonable notice, to access the permitted well(s) during the period of use to take static water level measurements to monitor the impact of use on the resource. To ensure accurate measurements, the permittee may be required to stop use of the well for up to 24 hours before a water level measurement.
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- B9. **References Used:**
- Gannett, M. W., Lite Jr, K. E., Morgan, D. S., and Collins, C. A., 2001, Ground-Water Hydrology of the Upper Deschutes Basin, Oregon, USGS Water-Resources Investigations Report 00-4162, 74 p., <https://pubs.usgs.gov/wri/wri004162/pdf/WRIR004162.pdf>
- Lite, K. E. and Gannett, M. W., 2002, Geologic Framework of the Regional Ground-Water Flow System in the Upper Deschutes Basin, Oregon. USGS Water-Resources Investigation Report 02-4015, 44 p., <https://pubs.er.usgs.gov/publication/wri024015>
- Gannett, M. W. and Lite, K. E., 2004, Simulation of Regional Ground-Water Flow in the Upper Deschutes Basin, Oregon, USGS Water Resources Investigation Report 2003-4195, 84 p., <https://pubs.er.usgs.gov/publication/wri034195>
- Sherrod, D. R., Taylor, E. M., Ferns, M. L., Scott, W. E., Conrey, R. M. and Smith, G. A., 2004, Geologic Map of the Bend 30-x-60-Minute Quadrangle, Central Oregon. U. S. Geological Survey Geologic Investigations Series Map I-2683. 49p., <https://pubs.usgs.gov/imap/i2683/>

Well Location Map



Review Items

- Proposed_POAs

All Obs Wells: >1 wtr lvl combined

- Obs Well Current
- Obs Well Non-Current
- State Obs Well Current
- State Obs Well Non-Current

Water-Level Measurements in Nearby Wells

