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: 12/19/2025

FROM: Groundwater Section Steve Ahlquist
Reviewer's Name

SUBJECT: Application G-19491 Supersedes review of

Date Reviewed by GW Lead and Returned to WRSD: Travis Brown, 7/7/2026

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: Kirk Scilacci/The DLX County: Baker

Applicant(s) seek(s) 2.2 cfs from 12 well(s) in the Powder Basin, subbasin

Proposed use Supplemental Irrigation (1081.6 acres) Seasonality: June 1st – October 1st (122 days)

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	PROP 682	N1	Powder River Volcanics	2.2	7S/39E-25 SE-NE	44.9289233	-117.8717432
2	PROP 683	N2	Powder River Volcanics	2.2	7S/39E-25 NW-SW	44.9235649	-117.8898332
3	PROP 684	N3	Powder River Volcanics	2.2	7S/39E-25 NW-SE	44.9233872	-117.8769643
4	PROP 685	N4	Powder River Volcanics	2.2	7S/39E-36 SE-NE	44.9156538	-117.8748558
5	PROP 687	N5	Granitic Intrusive Rocks	2.2	7S/39E-36 NE-SE	44.9096677	-117.8720369
6	PROP 686	N6	Powder River Volcanics	2.2	8S/39E-1 NW-NW	44.9025836	-117.8875387
7	PROP 688	N7	Powder River Volcanics	2.2	7S/39E-35 SW-SE	44.9058788	-117.9008828
8	PROP 690	N8	Powder River Volcanics	2.2	7S/40E-31 NE-SW	44.9118739	-117.8648252
9	PROP 689	E1	Powder River Volcanics	2.2	8S/40E-5 NE-NW	44.904372	-117.840599
10	PROP 691	S1	Powder River Volcanics	2.2	8S/40E-7 NE-SW	44.8809521	-117.8620111
11	PROP 694	S2	Powder River Volcanics	2.2	8S/40E-8 SW-SW	44.8766141	-117.8462217
12	PROP 695	S3	Powder River Volcanics	2.2	8S/39E-12 SE-SE	44.8759702	-117.875823

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	0	600	0	600	0	N/A	600	700	700
2	0	800	0	800	0	N/A	800	900	900
3	0	650	0	650	0	N/A	650	750	750
4	0	400	0	400	0	N/A	400	600	600
5	0	650	0	650	0	N/A	650	750	750
6	0	800	0	800	0	N/A	800	900	900
7	0	800	0	800	0	N/A	800	900	900
8	0	600	0	600	0	N/A	600	700	700
9	0	900	0	900	0	N/A	900	1000	1000
10	0	1100	0	1100	0	N/A	1100	1200	1200
11	0	1100	0	1100	0	N/A	1100	1200	1200
12	0	1100	0	1100	0	N/A	1100	1200	1200

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	3395.51	3395.51	2795.51	3395.51	2795.51	3395.51	N/A	2795.51	2695.51	2695.51
2	3502.86	3502.86	2702.86	3502.86	2702.86	3502.86	N/A	2702.86	2602.86	2602.86
3	3412.91	3412.91	2762.91	3412.91	2762.91	3412.91	N/A	2762.91	2662.91	2662.91
4	3430.18	3430.18	3030.18	3430.18	3030.18	3430.18	N/A	3030.18	2830.18	2830.18
5	3449.41	3449.41	2799.41	3449.41	2799.41	3449.41	N/A	2799.41	2699.41	2699.41
6	3539.16	3539.16	2739.16	3539.16	2739.16	3539.16	N/A	2739.16	2639.16	2639.16
7	3423.68	3423.68	2623.68	3423.68	2623.68	3423.68	N/A	2623.68	2523.68	2523.68
8	3346.86	3346.86	2746.86	3346.86	2746.86	3346.86	N/A	2746.86	2646.86	2646.86
9	3344.31	3344.31	2444.31	3344.31	2444.31	3344.31	N/A	2444.31	2344.31	2344.31
10	3335.95	3335.95	2235.95	3335.95	2235.95	3335.95	N/A	2235.95	2135.95	2135.95
11	3340.07	3340.07	2240.07	3340.07	2240.07	3340.07	N/A	2240.07	2140.07	2140.07
12	3338.2	3338.2	2238.2	3338.2	2238.2	3338.2	N/A	2238.2	2138.2	2138.2

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	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
9	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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: All POAs are proposed wells that have not yet been drilled.

A3. Description of hydrogeologic setting / conceptual model: The proposed POA wells all target bedrock aquifers beneath or adjacent to the sedimentary valley fill-sequence in the eastern Baker Valley. The most targeted bedrock unit for groundwater production here are flows of the Miocene Powder River Volcanic (PRV) sequence, which erupted subsequent to the main phase of Columbia River Basalt Group (CRBG) flood basalts. No CRBG rocks have been mapped within the Baker Valley and as a result, PRV flows are often directly in contact with underlying intrusive and metamorphic rocks of Mesozoic age that were accreted to North America in the Baker and Wallowa terranes. Each of these rock types are exposed in areas surrounding the valley and as topographic highs within the valley such as Coyote Point and Hutchinson Hill, displaying the variety of materials that may be encountered beneath the valley-fill sequence. Where present, flows of the PRV are typically conductive, and are effectively utilized for groundwater production. Hydrologic properties of the PRV are largely undocumented and likely highly variable as opposed to the Columbia River Basalt Group (CRBG) lavas due to their differences in eruptive volume and style. While the CRBG lavas were deposited as regional scale sheet flows, often of significant thickness which facilitated the formation of dense flow interiors responsible for extremely low vertical conductivity. In contrast, flows of Powder River Volcanics were relatively small, issued from a variety of locations in NE Oregon. Depending on the individual flows, their viscosity, and distance from their eruptive source, PRV lavas are far more variable in hydrogeologic properties.

The proposed POA locations are on the eastern side of the Baker Valley, where there are few wells reporting production from volcanic rock. Available water level data are from even a smaller subset of these available data points, and do not indicate substantial declines in the PRV aquifer system. Water levels in nearby wells completed in the PRV generally follow surface topography and are similar to water levels completed in overlying and adjacent sedimentary aquifer. Water levels indicate water bearing zones in the PRV are in hydraulic connection with the sedimentary aquifer and local surface water.

B. BASIN PROGRAM:

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

B1. ☒ **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: _____

B2. ☐ **Well(s) #** _____ , ____ , _____ , _____ , _____ , are limited by an administrative restriction under the applicable basin program.
Comments: _____

C. WATER AVAILABILITY:

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

OAR 690-300-0010(57): "Water is Available" […] means: […]
(d) The proposed groundwater source exhibits Reasonably Stable Groundwater Levels, as defined in OAR 690-008-0001; and
(e) The total requested rate of groundwater allocation is obtainable by the expected yield of the well(s) proposed in the application given best available information; and
(f) The proposed groundwater use does not have the Potential for Substantial Interference (OAR 690-009-0020(5)) with a surface water source [that does not have water available]

C1. Reasonably Stable Groundwater Levels

OAR 690-008-0001 (9): "Reasonably Stable Groundwater Levels" means that Annual High Water Levels, based on observed trends over time, remain within a range consistent with sustaining the function and character of a groundwater reservoir indefinitely, and:
(a) The Annual High Water Levels as measured at one or more representative wells in a groundwater reservoir or part thereof:
(A) indicate no decline or an average rate of decline of less than 0.6 feet per year over any immediately preceding averaging period with duration between 5 and 20 years. Four Annual High Water Levels are required to calculate the rate of change; one must have been measured in the year to which the evaluation of reasonably stable applies, and at least one must have been measured between 5 and 20 years prior; and
(B) have not declined by more than 25 feet from a reference level to the level in the year to which the evaluation of reasonably stable applies. The reference level shall be the highest known water level unless Annual High Water Levels have been measurably increased by human activity, in which case the Department may set a different reference level using best available information.
(b) If water level data are insufficient to perform either test in (a) for a given year, then the Department will presume that groundwater levels are not reasonably stable unless:
(A) the most recent evaluation of reasonably stable applies to a year within 5 years of the given year, in which case the Department may presume that the recent evaluation still applies; or
(B) groundwater has not yet been extracted or authorized for extraction from the groundwater reservoir, in which case the Department may presume that groundwater levels are reasonably stable.
(c) The Department may evaluate Reasonably Stable Groundwater Levels for the year of the priority date of a groundwater right application or for a later year if more recent data are available.

C1a. If part (a) of 690-008-0001(9) has been superseded by a basin program rule as per 690-008-0001(9)(B)(d) proceed to C1c. List one or more representative wells in the proposed groundwater reservoir or part thereof that have sufficient data to evaluate part (a) of 690-008-0001(9). Both the Rate (OAR 690-008-0001(9)(a)(A)) and Magnitude (OAR 690-008-0001(9)(a)(B)) tests for a given well must be passed in order to find that the water levels are Reasonably Stable. It is not necessary to include all POAs proposed on this application into this table, as long as they all access the same part of the groundwater reservoir and have the same reasonable stability status indicated in C1b below. If some POAs are found to be reasonably stable while others are not, then all the POAs on the application should be included in the table below, with their POA number indicated in the second column. In that situation, the reviewer does not need to indicate in this table which wells are considered representative for determining reasonable stability status for different POAs, but they should describe those relationships in the comments below.

Well Log ID	POA Well #	Reference Level for Evaluation of Reasonable Stability (ft bls)	Rate Test	Magnitude Test	Water Levels Reasonably Stable
BAKE 138	N/A	N/A	Pass	Pass	Reasonably Stable
BAKE 50836	N/A	N/A	Pass	Pass	Reasonably Stable
BAKE 51046	N/A	N/A	Pass	Pass	Reasonably Stable
BAKE 51323	N/A	N/A	Pass	Pass	Reasonably Stable
BAKE 52275	N/A	N/A	Pass	Pass	Reasonably Stable
BAKE 52582	N/A	N/A	Pass	Pass	Reasonably Stable

Comments: Water level data is sparse in the areas surrounding the proposed POAs, but currently available data do not indicate substantial water level declines in the PRV aquifer system.

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-**509** for the **Powder** 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: The proposed rate of 2.2 cfs may not be supported by the proposed wells at the given locations, of which only 1-3 are anticipated to be drilled. Wells on the eastern side of the Baker Valley producing from bedrock units vary considerably in reported yield from 2000 gpm to 10 gpm, with the median values between 350-500 gpm. This variability largely depends on bedrock type, age, and thickness of volcanic flows. In the area of proposed development, the primary volcanic units are the Basalt of Little Catherine Creek and the Andesite of Sawtooth Crater, both units of the Powder River Volcanic sequence. These flows vary in thickness where mapped on the eastern valley margin (Brooks, et al 1976, 1977; Bailey, 1990; Swanson et al, 1981), and in many areas are completely missing due to either erosion or onlap of paleotopographic highs during deposition. The highest reported yields in wells producing from bedrock are on or near thicker sequences of the Powder River Volcanics, and the lowest yields are typically reported in the much older Mesozoic volcanic and intrusive rocks.

Thus, drilling at proposed well locations PROP 682, PROP 683, PROP 684, PROP 685, PROP 686, PROP 687, PROP 688, and PROP 690 is anticipated to produce wells with poor yields. PROP 691, PROP 694, and PROP 695 are located in a portion of the valley fill where the type and depth to underlying bedrock are unknown with no nearby data points. The POA location with the greatest chance of producing a relatively high yield well is PROP 689, due to its proximity to Miocene volcanic rocks to the east, and wells BAKE 52392 and BAKE 52394, which both report yields of 1,500 gpm.

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
1	**094060**	**POWDER R**	**POWDER R**	**72191**	**Yes**	**Yes**
2	**0940602490**	**BALDOCK SL**	**BALDOCK SL**	**30920330**	**Yes**	**Yes**
3	**0940602490**	**BALDOCK SL**	**BALDOCK SL**	**30920330**	**Yes**	**Yes**
4	**0940602490**	**BALDOCK SL**	**BALDOCK SL**	**30920330**	**Yes**	**Yes**
5	**0940602490**	**BALDOCK SL**	**BALDOCK SL**	**30920330**	**Yes**	**Yes**
6	**0940602490**	**BALDOCK SL**	**BALDOCK SL**	**30920330**	**Yes**	**Yes**
7	**094060**	**POWDER R**	**POWDER R**	**30920327**	**Yes**	**Yes**
8	**0940602490**	**BALDOCK SL**	**BALDOCK SL**	**30920330**	**Yes**	**Yes**
9	**0940602490**	**BALDOCK SL**	**BALDOCK SL**	**30920330**	**Yes**	**Yes**
10	**094060**	**POWDER R**	**POWDER R**	**30920327**	**Yes**	**Yes**
11	**094060**	**POWDER R**	**POWDER R**	**30920327**	**Yes**	**Yes**
12	**094060**	**POWDER R**	**POWDER R**	**30920327**	**Yes**	**Yes**

Comments**:** The proposed POA wells will target water-bearing zones of the PRV or water-bearing fractures of granitic intrusive bedrock that are in contact with the overlying or adjacent saturated alluvial sediments. Water level elevations measured in bedrock wells are similar to those observed in nearby alluvial wells and streams, indicating that these water-bearing zones are hydraulically connected to the alluvial aquifer and adjacent streams

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
094060	**POWDER R**	**POWDER R**	**72191**
0940602490	**BALDOCK SL**	**BALDOCK SL**	**30920330**
094060	**POWDER R**	**POWDER R**	**30920327**

Comments**:** The proposed use would capture groundwater that would otherwise discharge to Baldock Slough or the Powder River.

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: The closest existing POA is BAKE 136, at a distance of 1125' from proposed well PROP 682 and anticipated to produce from the Clover Creek Greenstone at depth. In these older, metamorphosed rocks, groundwater movement is achieved primarily through unevenly spaced secondary fractures having random orientations. As a result, these systems are quite heterogeneous in terms of productivity and both horizontal and vertical conductivity. Based on this conceptual model, there is no appropriate analytical model to predict drawdown at the adjacent wells.

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:

"Large water use", 7RLN

Whenever possible, cuttings shall be collected during borehole construction at 10-foot intervals and at changes in formation. A split of each sample shall be submitted to the Department upon completion of each well.

The Department shall be granted measurement access to any authorized POA wells constructed under this permit upon reasonable notice by Department staff.

REFERENCES:

Barlow, P.M and Leake, S.A, 2012, Streamflow Depletion by Wells—Understanding and Managing the effects of groundwater pumping on streamflow, U.S. Geological Survey Circular 1376, 84 p.

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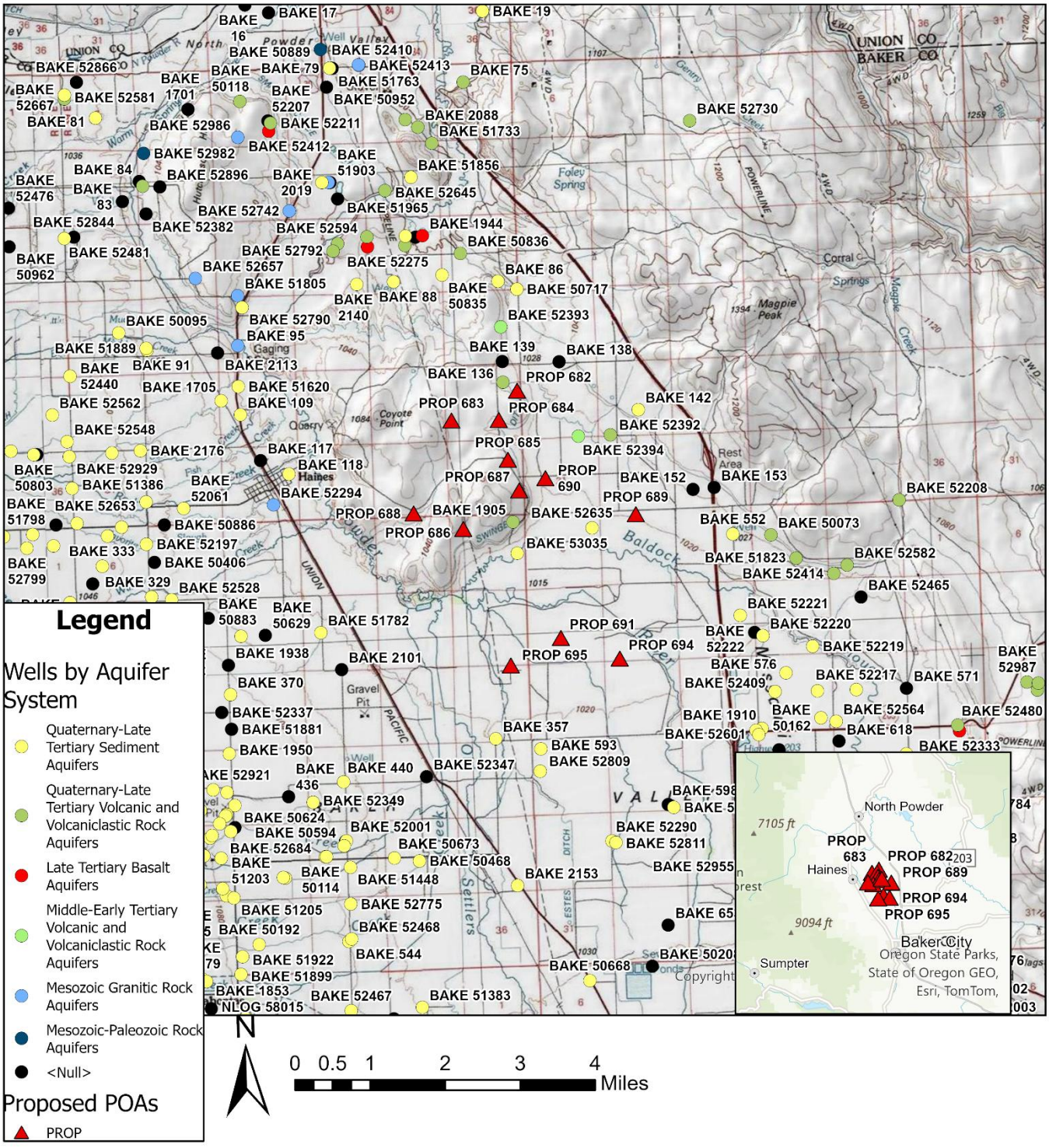
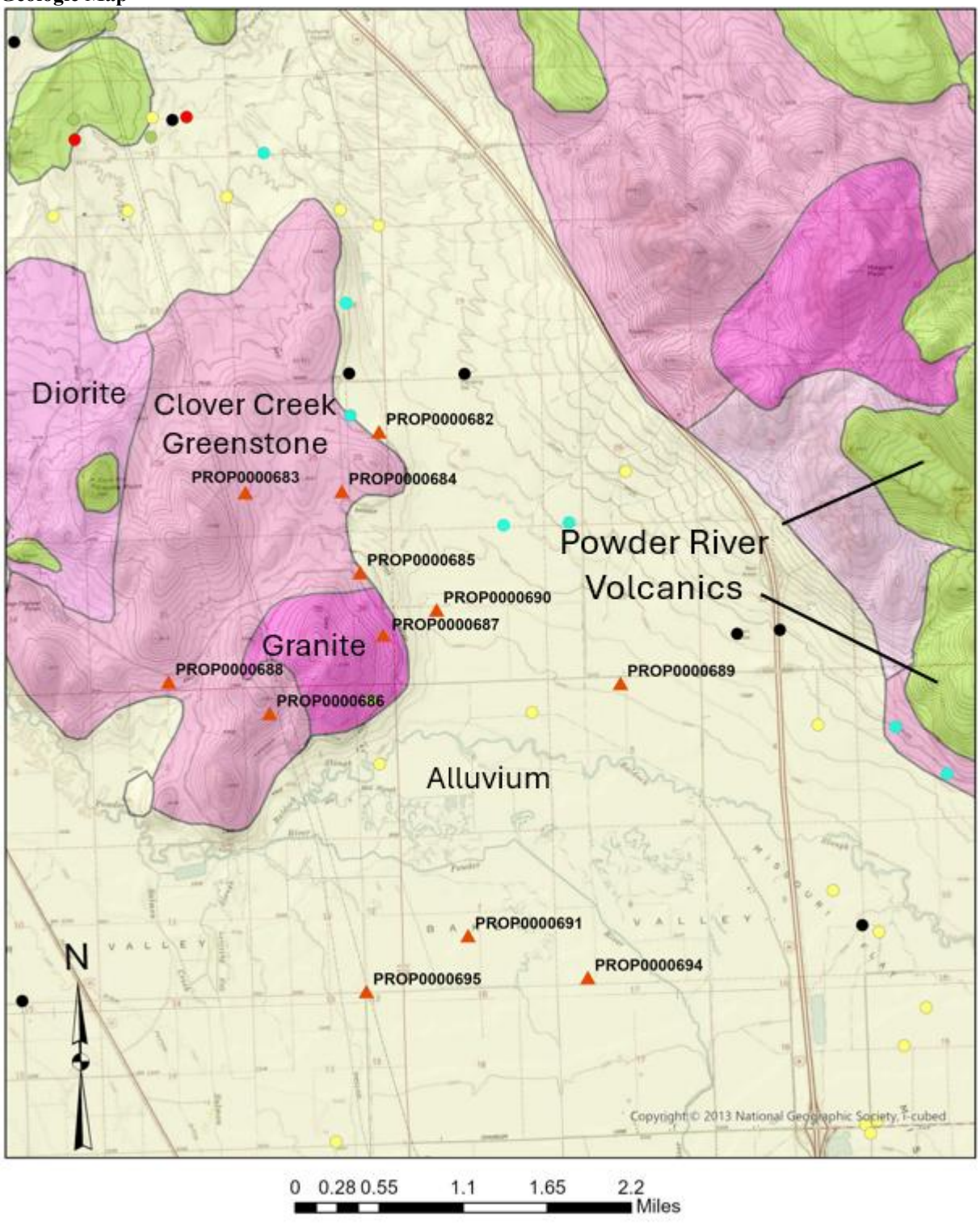
ATTACHMENTS:

Well Location Map

G19491
Kirk Scilacci/The DLX



Geologic Map



Water-Level

Measurements in Nearby Wells