

# EMERGENCY DROUGHT APPLICATION: GROUNDWATER REVIEW

TO: Water Rights Section Date 7/9/2026  
FROM: Groundwater Section Steve Ahlquist  
SUBJECT: Application G- 19542 Reviewer's Name

## 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: Jeff and Julie Romans County: Malheur

A1. Applicant(s) seek(s) 3.23 cfs from 1 well(s) in the Malheur Basin,  
Bully Creek subbasin

A2. Proposed use Supplemental Irrigation (172.7 acres) Seasonality: July 1-October 31

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    | MALH 723 | 4                  | Sand & gravel/Basalt & Ash | 3.23               | 18S/41E-26 NW-SE      | 43.97299062 | -117.65243140 |
| 2    |          |                    |                            |                    |                       |             |               |
| 3    |          |                    |                            |                    |                       |             |               |
| 4    |          |                    |                            |                    |                       |             |               |

\* 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    | 2903             | 220                | 177        | 3/30/2015 | 590             | 0-36               | +1.5-250              | None                 | 130-240                      | 1320             | 5              | ?         |
|      |                  |                    |            |           |                 |                    |                       |                      |                              |                  |                |           |
|      |                  |                    |            |           |                 |                    |                       |                      |                              |                  |                |           |

Use data from application for proposed wells.

A4. **Comments:** The applicant requests emergency use of 3.23 cfs (1,450 gpm) for supplemental irrigation of 172.7 acres and a total volume of 518.1 acre-feet. The requested use is supplemental to Inchoate T-11983. MALH 723 is an authorized point of appropriation (POA) under Permit G-11963.

A Well Construction and Compliance review of application G-18002 on February 5, 2024 found that the proposed POA (MALH 723) does not meet minimum constructions standards.

## 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: MALH 723 is not properly sealed into a confining unit and has the potential to commingle water from the shallow alluvial aquifer with the deeper basalt aquifer system. The shallow alluvial aquifer is likely in hydraulic connection with nearby Bully Creek. However, the depth to water in the proposed POA is more than 150 feet below nearby surface water elevations. This head separation indicates that the well is likely not in hydraulic connection with adjacent reaches of Bully Creek, even if commingling with the alluvial aquifer occurs. If a hydraulic connection exists, it would likely occur more than 25,000 feet away, where surface water elevations in the creek correspond to groundwater elevations in the applicant's well. No springs were located nearby. Given this distance and the short-term duration of the requested use, there is not information that the proposed groundwater use will injure senior spring or surface water rights during the duration of the drought permit.

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- 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 only groundwater rights within a mile of the proposed POA are owned by the applicant. The closest groundwater rights not owned by the applicant are over 2 miles away. At this distance, it is unlikely that this drought groundwater use will injure senior groundwater rights.
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- B3. Has the requested groundwater reservoir or part thereof **Declined Excessively**?  
(☐Yes) (☒No) If yes, explain: Water level data are sparse in the area but available data suggest the requested groundwater reservoir has not declined excessively. The most recent (2015) reported groundwater level measurement in the applicant's well is close to the initial groundwater level elevation reported at the time of drilling in 1987 (see attached hydrograph).
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- B4. Groundwater levels **do NOT meet the definition of Reasonably Stable Groundwater Levels** (including insufficient data):  
(☒ Yes) (☐ No) If yes, explain: There are no representative wells for the requested groundwater reservoir with sufficient data available to evaluate reasonable stability. Two wells in the area (MALH 711 and MALH 728) have sufficient water level data available and meet the definition of Reasonably Stable Groundwater Levels. MALH 711 and MALH 728 are much shallower than the proposed POA and may not be representative of 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 well log for the proposed POA (MALH 723) reports a well yield of 1,320 gpm with 5 feet of drawdown after 3 hours of pumping, indicating additional capacity. Well logs for some nearby wells accessing similar depth intervals report well yields greater than 1,500 gpm.
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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: Based on the depth of groundwater to be accessed, the presence of a thick layer of volcanic ash overlying the deeper water-bearing zones accessed by the proposed POA, and the estimated distance to potential hydraulic connection with Bully Creek, there is not a preponderance of evidence that the proposed use will obtain water from streamflow depletion over the term of the proposed emergency drought permit.
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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: \_\_\_\_\_
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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.”

**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.

**Special Condition – Dedicated Measuring Tube -** If the applicant is constructing one or more new wells for this requested use, the well(s) shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

B9.

**References Used:**

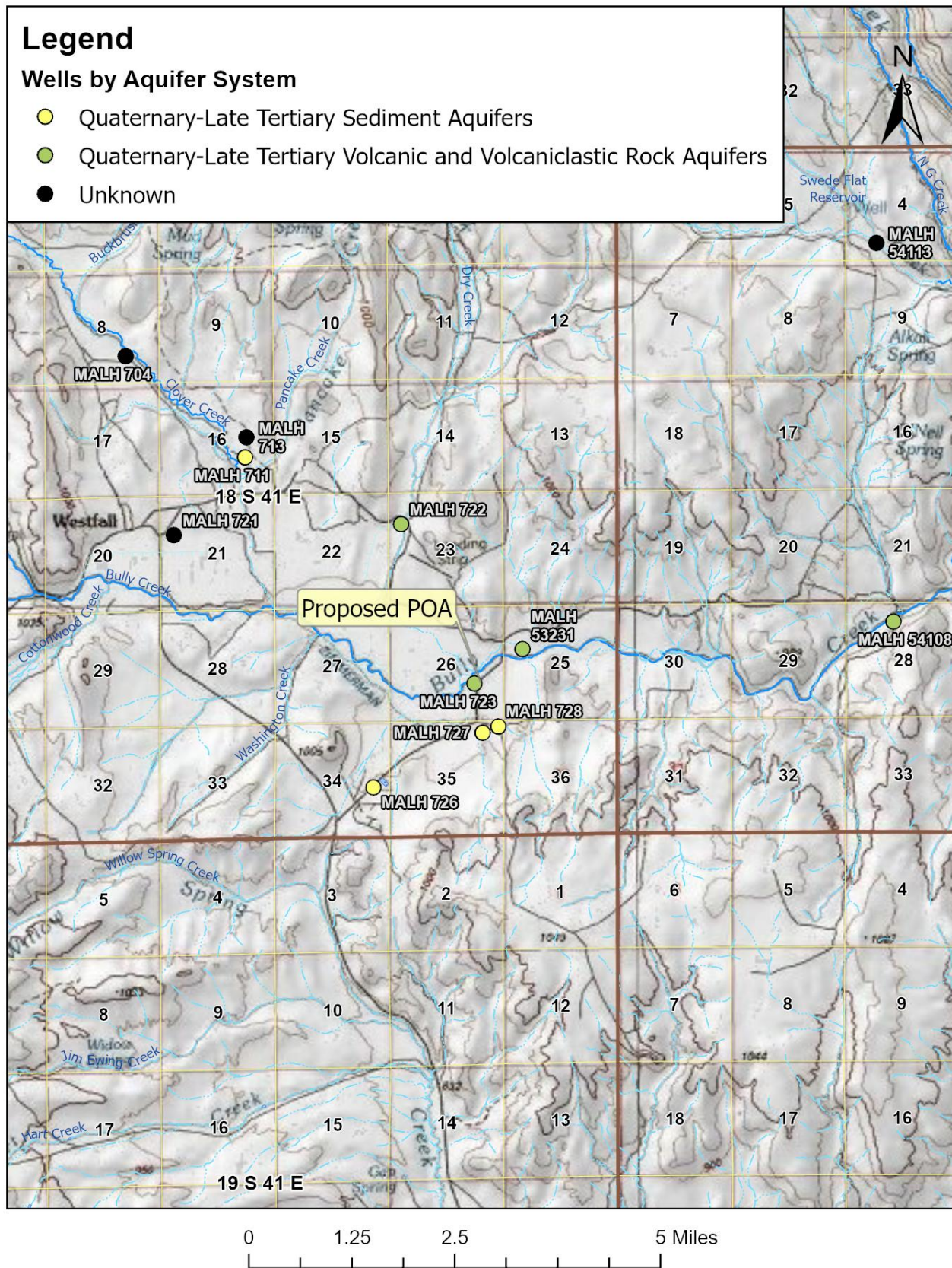
Application Files: G-18002, G19542

Transfer File: T-11983

Ferns, M.L., H.C. Brooks, J.G. Evans, M.L. Cummings. 1993. Geologic map of the Vale 30x60 minute quadrangle, Malheur County, Oregon and Owyhee County, Idaho. Oregon Dept. of Geology and Mineral Industries Geological Map Series 77.

Gannett, M. W. 1990. Hydrogeology of the Ontario Area Malheur County, Oregon. Oregon Water Resources Dept. Ground Water Report No. 34. 39p.

# G-19542 Romans



Observation Well Data

