

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: 10/27/2025
FROM: Groundwater Section Steve Ahlquist
Reviewer's Name
SUBJECT: Application G - 19497 Supersedes review of _____

Date Reviewed by GW Lead and Returned to WRSD: Travis Brown, 8/7/2026

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 and Cole Scown County: Malheur
Applicant(s) seek(s) 4.99 cfs from 2 well(s) in the Owyhee Basin,
Jordan Creek subbasin
Proposed use Supplemental Irrigation Seasonality: April 1 – October 15

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 736	Well 1	Sandstone	4.99	30S/46E-8 SW-NE	42.966565	-117.1159547
2	PROP 735	Well 2	Sandstone	4.99	30S/46E-9 SE-NW	42.9664576	-117.1005451
3							
4							

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	80	-1	80	N/A	N/A	80	400	400
2	0	80	-1	80	N/A	N/A	80	400	400
3									
4									

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	4352.3	4352.3	4272.3	4353.3	4272.3	4352.3	N/A	4272.3	3952.3	3952.3
2	4360.53	4360.53	4280.53	4361.53	4280.53	4360.53	N/A	4280.53	3960.53	3960.53
3										
4										

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												
4												

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: The proposed POAs have not yet been drilled. Well construction information presented above are approximate proposed depths listed by the applicant. Water level data is insufficient to set a permit condition reference level at this time.

A3. Description of hydrogeologic setting / conceptual model: Based on the proposed well construction, the proposed POAs would likely develop groundwater from quaternary alluvium (Qal) and/or the underlying Miocene age tuffaceous sedimentary rocks (Tst1) (Ferns, 1993; Walker, 1966). Nearby well logs suggest deposits of transmissive sands and gravels in the quaternary alluvium are thin and not laterally extensive. Some nearby well reports for wells completed to depths greater than 100 feet bls report water levels above the elevation of water-bearing zones, suggesting confined conditions in the deep aquifer. However, there is no evidence of a laterally continuous confining bed that would preclude vertical movement of groundwater. Water levels in nearby wells, regardless of depth, are coincident with nearby surface water elevations in Jordan Creek, indicating the aquifer is hydraulically connected to local surface water. There are no wells with recent static water level measurements, but existing data sets indicate groundwater levels were relatively stable between 1962 and 2005. Additional water level monitoring in the area is needed to assess recent groundwater level trends.

B. BASIN PROGRAM:

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

- B1. ☒ **Provisions of the** Owyhee 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
Prop 736	1	N/A	N/A	N/A	N/A
Prop 735	2	N/A	N/A	N/A	N/A

Comments: There are no representative wells in the area with sufficient data available for determining reasonable stability status.

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: **MALH 2807 and MALH 54469.**

Comments: Nearby well MALH 2807 and MALH 54469 report similar construction as the proposed POAs and are considered representative wells. Water level measurements collected from these wells could be used to overcome a finding of insufficient data for analysis of reasonably stable.

C1c. OAR 690-008-0001(d): Evaluation for reasonably stable water levels per superseding basin program rules OAR 690-_____ for the _____ 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: Well log data is sparse in the area but there are several wells completed to approximately 400 feet bls with reported well yields greater than 3,000 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	1161601530	JORDAN CR	OWYHEE R	31111001	Yes	Yes
2	1161601530	JORDAN CR	OWYHEE R	31111001	Yes	Yes

Comments: Groundwater level elevations in nearby wells, regardless of depth, are coincident with surface water elevations in Jordan Creek.

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
1161601530	JORDAN CR	OWYHEE R	31111001

Comments: _____

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: MALH 2426 is the nearest known groundwater user, located approximately 4,200 feet southeast of the proposed POA 2. To estimate potential drawdown at MALH 2426 from the proposed groundwater use, the Theis (1935) solution for confined aquifers was applied. Using a range of hydraulic property values—based on local well tests and typical conditions for confined aquifers—the analysis indicates that drawdown at MALH 2426 would likely be less than 10 feet after 198 days (irrigation season) of continuous pumping at the maximum requested rate of 4.99 cfs. Therefore, the proposed use is not expected to cause substantial or undue interference with MALH 2426 or other groundwater users.

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: Owyhee

Comments: The proposed use would capture groundwater that would otherwise discharge to tributaries of the Owyhee River.

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 Owyhee 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
.083	.083	.083	.083	.083	.083	.083	.083	.083	.083	.083	.083

☐ **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:

7RLN, Large water use reporting

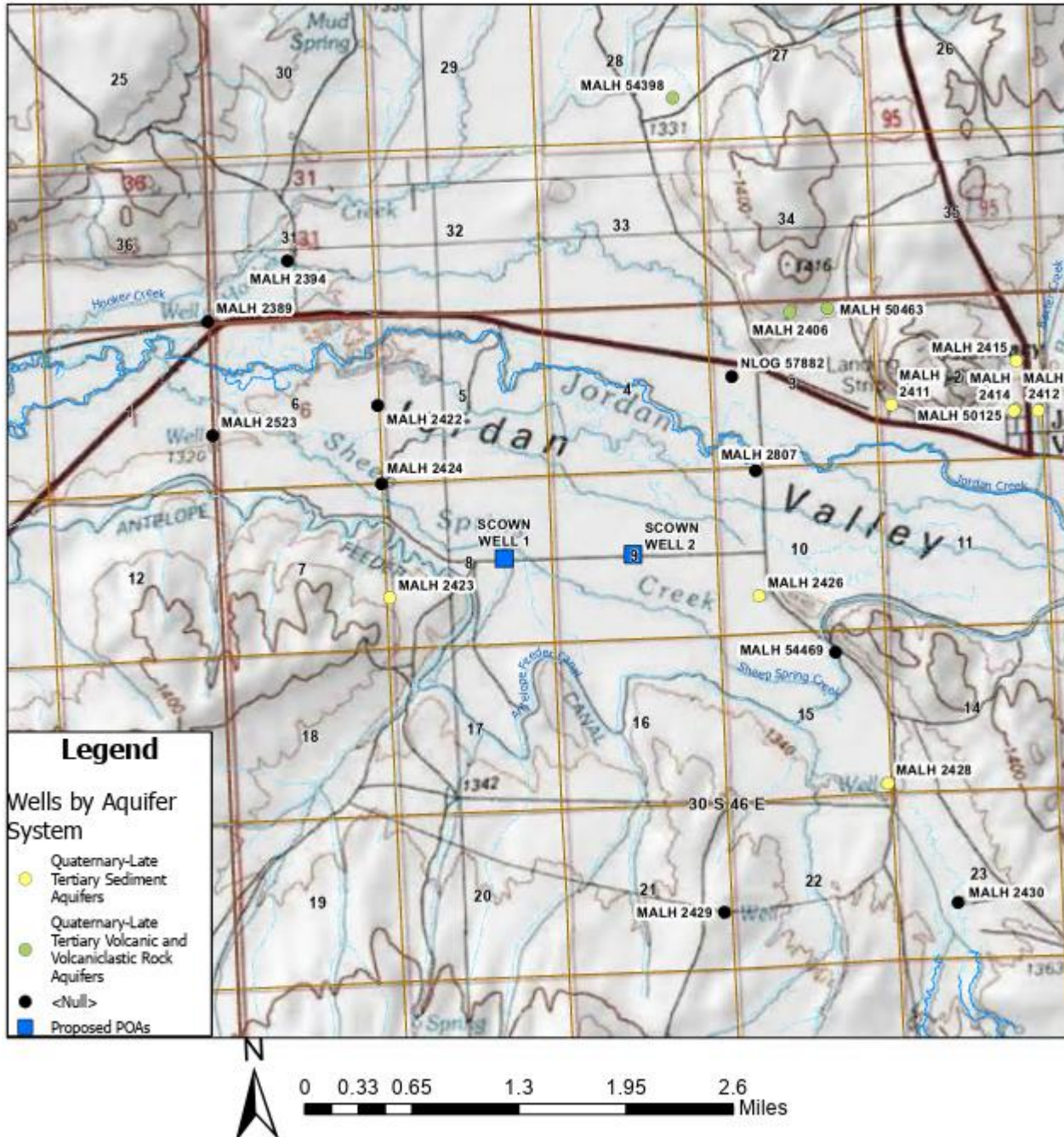
REFERENCES:

Application File: G-19497

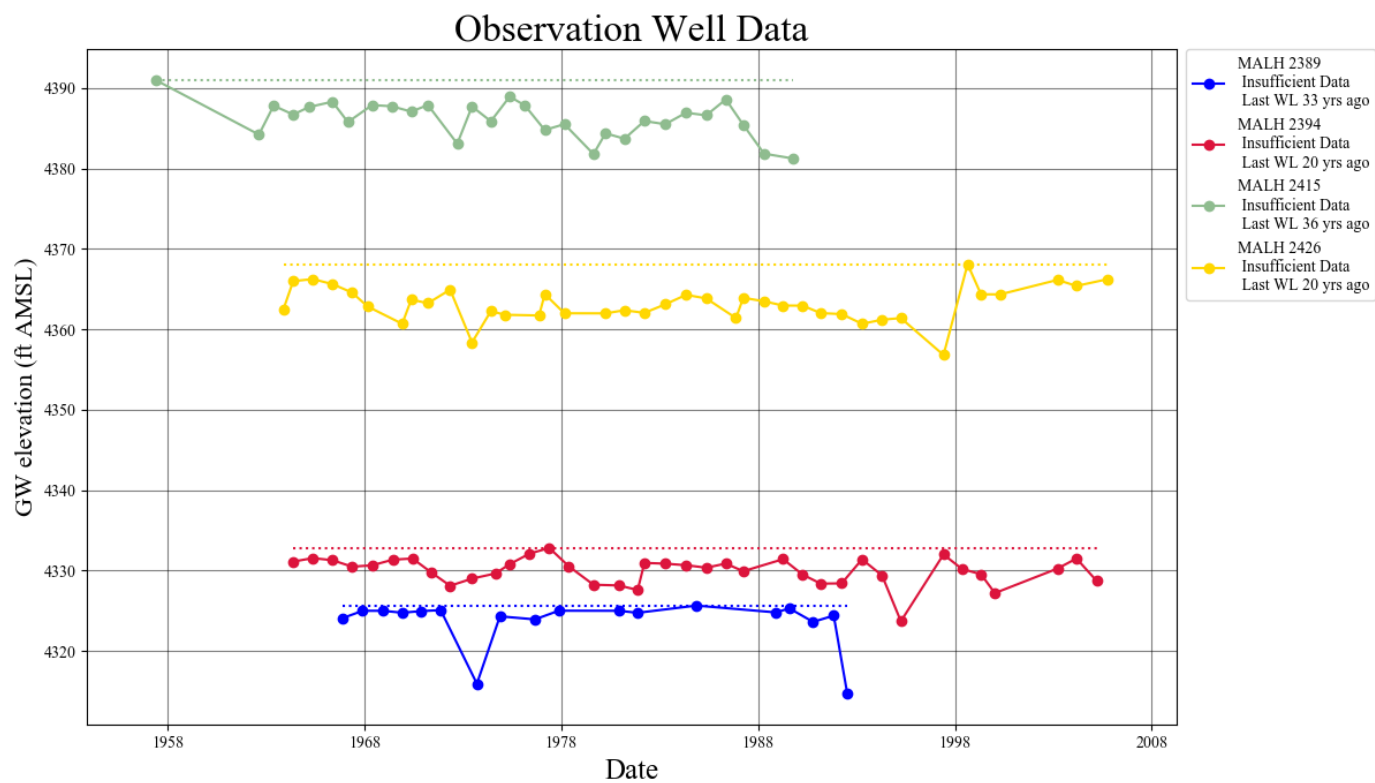
Ferns, M.L., Evans, J.G., and Cummings, M.L., 1993, Geologic map of the Mahogany Mountain 30' x 60' quadrangle, Malheur County, Oregon and Owyhee County, Idaho: Portland, Oreg., Oregon Dept. of Geology and Mineral Industries, Geological Map Series GMS-78

Theis, C.V., 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, Am. Geophys. Union Trans., vol. 16, pp. 519-524.

Walker, G.W., Repenning, C.A. , 1966, Reconnaissance geologic map of the west half of the Jordan Valley quadrangle, Malheur County, Oregon, Interpretive Map 457, U.S. Geological Survey, Washington, DC., map scale 1:250,000.

ATTACHMENTS:**Well Location Map****G19497
SCOWN**

Water-Level Measurements in Nearby Wells



Theis Drawdown Analysis**Theis Time-Drawdown Worksheet** v.5.00

Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r , from a pumping well for 3 different T values and radial distance, r , from a pumping well for 3 different T values and 2 different S values.

Written by Karl C. Wozniak September 1992. Last modified December 17, 2019

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		198		d	
Radial distance from pumped well:	r		4200		ft	Q conversions
Pumping rate	Q		4.99		cfs	2,239.51 gpm
Hydraulic conductivity	K	25	125	250	ft/day	4.99 cfs
Aquifer thickness	b		200		ft	299.40 cfm
Storativity	S_1		0.01			431,136.00 cfd
	S_2		0.001			9.90 af/d
Transmissivity Conversions	T_ft2pd	5000	25000	50000	ft2/day	
	T_ft2pm	3.472222	17.36111	34.72222	ft2/min	
	T_gpdpt	37400	187000	374000	gpd/ft	
						Recalculate

Theis Drawdown and Recovery at $r = 4200$ ft From Pumping Well

Pump on = 285120 minutes = 198.00 days

