



- 2) OAR 690-507-0770 states in pertinent part that the use of water from the basalt groundwater reservoir within the Stage Gulch Critical Groundwater Area shall be limited to the sustainable annual yield. Water from the basalt groundwater reservoir in the Stage Gulch Critical Groundwater Area shall be used for irrigation only during the irrigation season. The irrigation season shall begin on the 1st of March and end on the 30th of November. The Department shall not accept any new applications for appropriation of water from the basalt groundwater reservoir within the Stage Gulch Critical Groundwater Area.
- 3) OAR 690-507-0780 states in pertinent part that appropriation of groundwater from the Stage Gulch Critical Groundwater Area is prohibited unless the water user meets certain requirements. A water user authorized by OAR 690-507-0810 to pump water from the basalt groundwater reservoir shall satisfy the following conditions:
- Wells shall have an access port with a minimum diameter of 3/4 inch. The access shall be adequate to determine the water level at any time;
  - A water user may install a functioning airline with a pressure gage in addition to the access port.
  - A water user shall install and maintain a totalizing flow meter on each well authorized by OAR 690-507-0810 except wells authorized for irrigation of ten acres or less. The meter shall meet the requirements of OAR 690-507-0785.
- 4) OAR 690-507-0810 states in pertinent part that the method for distributing the sustainable annual yield from the basalt groundwater reservoir within each managed subarea in the Stage Gulch Critical Groundwater Area is as follows:
- A water user who intends to pump water for any authorized use except municipal use during any year shall make a request to the Department in Salem by July 1st of the preceding year on forms provided by the Department;
  - The Department shall assume that municipal water users intend to pump a quantity of water equivalent to the average pumped for the previous three (3) years, unless the municipal water user informs the Department otherwise by July 1st;
  - The distribution of groundwater for any authorized use except municipal use shall be based on the priority dates of the water rights within the individual subarea;
  - In determining the amount of groundwater each water user is allocated to pump during the next calendar year or irrigation season, the Department may consider:
    - ♦ Requests for allocations received;
    - ♦ The sustainable annual yield;
    - ♦ The limits of the groundwater rights;
    - ♦ The relative dates of priority, with preference given without regard to priority date for municipal use;

- ◆ Historical usage;
  - ◆ Whether or not a water user is physically capable of pumping and putting to a beneficial use the quantity requested; and
  - ◆ Any other factors deemed appropriate by the Department.
- If pumpage for a particular year exceeds the sustainable annual yield for a subarea, the total subarea allocation for the second year after that occurrence shall be reduced by that volume.
  - If any water user requests more water than has been historically used, the Department may allocate less water than requested if, upon investigation, it appears unlikely the user will pump the volume requested.
  - If any water user requests less water than has been historically used, the Department may allocate more water than requested if, upon investigation, it appears likely that the user will pump more than the volume requested.

#### **FINDINGS OF FACT**

- 1) Eric Anderson is a senior water right holder in Subarea H.
- 2) Water Right Certificate 80428 and Order Approving Transfer T-8070 are perfected under Permit G-5337, having a priority date of October 21, 1974, and authorize irrigation of 116.45 acres.
- 3) The sustainable annual yield for Subarea H is 8850 acre-feet.
- 4) In 2006, 7644 acre-feet of water was allocated in Subarea H.
- 5) Flow meter and power meter data collected by Department staff indicate that 9075 acre-feet of water was pumped from permitted wells in Subarea H in 2006.
- 6) The Subarea H allocation for 2008 is reduced by 225 acre-feet to a total of 8625 acre-feet.
- 7) On May 31, 2007, the Department sent letters requesting water users within the Stage Gulch Critical Ground Water Area to submit their 2008 requests for the volume of water needed.
- 8) Eric Anderson filed a request for water use in 2008, Stage Gulch Critical Ground Water Area, Subarea A, authorized under Water Right Certificate 80428 and Order Approving Transfer T-8070.
- 9) Eric Anderson requested 458 acre-feet for 2008, under Water Right Certificate 80428 and Order Approving Transfer T-8070.

- 10) Flow meter and power meter records indicate that annual pumpage from the permitted well has varied. Less water was pumped in 2006 than in prior years. Therefore, the 2008 allocation is for 55 acre-feet.
- 11) The use of water is limited to the place of use described in attached Water Right Certificate 80428 and Order Approving Transfer T-8070.

### **DISCUSSION**

Eric Anderson is a senior water right holder in Subarea H. The sustainable annual yield for Subarea H is 8850 acre-feet. Flow meter and power meter records indicate that the permitted wells pumped 9075 acre-feet of water in 2006. The Subarea H allocation for 2008 is reduced by 225 acre-feet to a total of 8625 acre-feet. The allocation for Eric Anderson does not exceed the limits of the water right or the quantity allocated for Subarea H. Therefore, the 2008 allocation is for 55 acre-feet. This is consistent with OAR 690-507-0810.


### **CONCLUSIONS OF LAW**

The allocation of ground water for the State Gulch Critical Ground Water Area for the year 2008 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and Oregon Administrative Rules Chapter 690, Division 507.

### **ORDER**

Now, THEREFORE, it is ORDERED that 55 acre-feet is allocated to Eric Anderson for the year 2008 under Water Right Certificate 80428 and Order Approving Transfer T-8070 for Subarea H of the Stage Gulch Critical Ground Water Area.

Dated at Salem, Oregon this 13<sup>TH</sup> day of August, 2007.

  
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Jerry S. Rodgers, Administrator  
Technical Services Division

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAWRENCE B. REW & REW RANCHES, INC.  
P.O. BOX 957  
PENDLETON, OREGON 97801

confirms the right to use the waters of REW WELL #1 in the UMATILLA RIVER BASIN for IRRIGATION OF 114.35 ACRES AND SUPPLEMENTAL IRRIGATION OF 5.4 ACRES.

This right was perfected under Permit G-5337. The date of priority is OCTOBER 21, 1974. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.17 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW¼ NE¼, SECTION 30, T 3 N, R 31 E, W.M.; 1070 FEET SOUTH AND 90 FEET EAST FROM N¼ CORNER, SECTION 30.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that in the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with the right perfected under Permit G-5335, and the confirming right issued as a result of the change in place of use authorized

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under T-8070, shall not exceed 2.0 cfs, the capacity of this well system at the time of perfection of this right, and shall conform to any reasonable rotation system ordered by the proper state officer.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL

SE $\frac{1}{4}$  SE $\frac{1}{4}$  5.40 ACRES  
SECTION 24

PRIMARY

SE $\frac{1}{4}$  SE $\frac{1}{4}$  17.80 ACRES  
SECTION 24

NE $\frac{1}{4}$  NE $\frac{1}{4}$  23.00 ACRES  
SECTION 25

TOWNSHIP 3 NORTH, RANGE 30 EAST, W.M.

SW $\frac{1}{4}$  SW $\frac{1}{4}$  16.25 ACRES  
SECTION 19

NW $\frac{1}{4}$  NW $\frac{1}{4}$  32.30 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  22.00 ACRES

SECTION 30

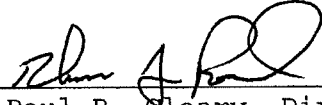
TOWNSHIP 3 NORTH, RANGE 31 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 54560, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 02 2003, 2003, approving Transfer Application 8070.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director,  
affixed SEP 02 2003.

  
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For Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80428.

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STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8070 submitted by

REW RANCHES, INC.  
75198 YOAKUM ROAD  
PENDLETON, OREGON 97801.

The right to be modified, as evidenced by a PORTION of Certificate 54560, was perfected under Permit G-5337 with a date of priority of OCTOBER 21, 1974. The right allows the use of REW WELL #1, within the UMATILLA RIVER BASIN, for IRRIGATION OF 13.45 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 cubic foot per second, if available at the authorized well; NW¼ NE¼, SECTION 30, T 3 N, R 31 E, W.M., 1070 FEET SOUTH AND 90 FEET EAST FROM THE N¼ CORNER, SECTION 30, or its equivalent in case of rotation, measured at the well.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.



The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that in the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with the right perfected under Permit G-5335 shall not exceed 2.0 cfs, the capacity of this well system at the time of perfection of this right, and shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW $\frac{1}{4}$  SW $\frac{1}{4}$  5.15 ACRES  
SECTION 19

NW $\frac{1}{4}$  NW $\frac{1}{4}$  8.00 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  0.30 ACRE  
SECTION 30

TOWNSHIP 3 NORTH, RANGE 31 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to CHANGE THE PLACE OF USE to:

NE $\frac{1}{4}$  NW $\frac{1}{4}$  0.50 ACRE  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  0.50 ACRE  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  10.25 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  2.20 ACRES  
SECTION 30

TOWNSHIP 3 NORTH, RANGE 31 EAST, W.M.

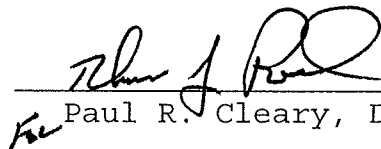
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.
2. The former place of use shall no longer be irrigated as part of this water right.
3. The amount of water allowed at the new place of use and the quantity of water on the remaining lands, together with the right perfected under Certificate 54559 (Permit G-5335) shall not exceed 2.0 cfs, the capacity of this well system at the time of perfection of this right.

Certificate 54560 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed SEP 02 2003.

  
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Paul R. Cleary, Director