

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 the following 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) Allocations are made to the senior water rights in each subarea first. Rew Ranches, Inc. is a senior water right holder in Subarea H.
- 2) The sustainable annual yield for Subarea H is 8850 acre-feet. For the 2004 irrigation season, 8850 acre-feet of water was allocated to senior water right holders in Subarea H. Flow meter and power meter data collected by Department staff indicate that 10,056 acre-feet of water was pumped from permitted wells in Subarea H in 2004. Pumpage for 2004 exceeds the sustainable annual yield by 1206 acre-feet. The Subarea H allocation for 2006 shall be reduced by 1206 acre-feet to a total of 7644 acre-feet.
- 3) The quantity allocated is based primarily on the pumpage in recent years and shall not exceed the limits of the water right. Once the sustainable annual yield or a reduced volume is allocated for a subarea, no more water shall be allocated.
- 4) Rew Ranches, Inc. did not file a request for water use in 2006, Stage Gulch Critical Ground Water Area, Subarea H, authorized under Application G-6697.
- 5) **Subarea:** H
Certificate: 80428 in the name of Lawrence B. Rew & Rew Ranches, Inc.
Order Approving Transfer: T-8070 in the name of Rew Ranches, Inc.
Use: Irrigation
Priority Date: October 21, 1974
Quantity: 1.3 cubic feet per second (cfs)
Request: None Received
Allocated: 0 acre-feet
Sustainable Annual Yield: 8850.0 acre-feet

DISCUSSION

The sustainable annual yield for Subarea H is 8850 acre-feet. The quantity of water that shall be allocated in 2006 for Subarea H is reduced to 7644 acre-feet because more water was pumped

than was allocated in 2004. This quantity is allocated to the senior rights. Rew Ranches, Inc. is a senior water right holder in Subarea H. The allocation for Rew Ranches, Inc. does not exceed the limits of the water rights or the quantity allocated for Subarea H.

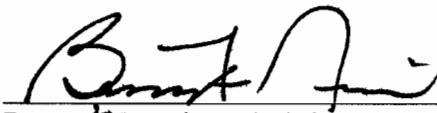
CONCLUSIONS OF LAW

The allocation of ground water for the State Gulch Critical Ground Water Area for the year 2006 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 0 acre-feet of water is allocated for the year 2006 under Certificate 80428 and the Order Approving Transfer T-8070 for Subarea H of the Stage Gulch Critical Ground Water Area.

Dated at Salem, Oregon this 31 day of August, 2005.



Barry N. Norris, Administrator
Technical Services Division