



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. David Ditchen is a junior water right holder in Subarea D.
- 2) The quantity allocated is based primarily on the pumpage in recent years and shall not exceed the limits of the water right. Pumping records were not submitted for the previous year. Pumping data collected by Department staff indicate that no water was pumped from well 3 in Subarea D in 2004.
- 3) Once the sustainable annual yield for a subarea is allocated, no more water shall be allocated.
- 4) David Ditchen did not file a request for water use in 2006, Stage Gulch Critical Ground Water Area, Subarea D, authorized under Application G-10991.
- 5) **Subarea:** D  
**Certificate:** 76130 in the name of David Ditchen  
**Use:** Irrigation  
**Priority Date:** June 13, 1983  
**Quantity:** 0.98 cubic foot per second (cfs)  
**Request:** None Received  
**Allocated:** 0 acre-feet  
**Sustainable Annual Yield:** 3250.0 acre-feet

### DISCUSSION

The sustainable annual yield for Subarea D is 3250 acre-feet. David Ditchen is a junior water right holder in Subarea D. Junior water right holders shall not pump more than the quantity allocated. The sustainable annual yield for Subarea D is allocated to the senior rights. The allocation for David Ditchen does not exceed the limits of the water rights or the sustainable annual yield for Subarea D.

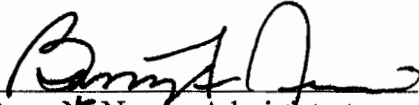
**CONCLUSIONS OF LAW**

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 76130 for Subarea D of the Stage Gulch Critical Ground Water Area.

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



Barry D. Norris, Administrator  
Technical Services Division