

- 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) WRL Investments, LLC is a senior water right holder in Subarea A.
- 2) Certificate 54084 was perfected under Permit G-6555, having a priority date of August 22, 1975, and authorizes irrigation of 250.2 acres.
- 3) The sustainable annual yield for Subarea A is 11,450 acre-feet.
- 4) In 2006, 11,450 acre-feet of water was allocated in Subarea A.
- 5) Flow meter and power meter data collected by Department staff indicate that 9,433 acre-feet of water was pumped from permitted wells in Subarea A in 2006.
- 6) The Subarea A allocation for 2008 is 11,450 acre-feet, the sustainable annual yield.
- 7) Flow meter and power meter records indicate that annual pumpage from the permitted wells has varied. Less water was pumped in 2006 than in prior years. Therefore, the 2008 allocation is for 140 acre-feet, being 80 acre-feet from well 1 and 60 acre-feet from well 3.
- 8) The use of water is limited to the place of use described in attached Certificate 54084.

DISCUSSION

WRL Investments, LLC is a senior water right holder in Subarea A. The sustainable annual yield for Subarea A is 11,450 acre-feet. Allocations are made to the municipal water users in Subarea A first. Then allocations are made to the senior water rights. Flow meter and power meter records indicate that the permitted wells pumped 9,433 acre-feet of water in 2006. The allocation for WRL Investments, LLC does not exceed the limits of the water right or the sustainable annual

yield for Subarea A. Therefore, the 2008 allocation is for 140 acre-feet, being 80 acre-feet from well 1 and 60 acre-feet from well 3. This is consistent with OAR 690-507-0810.

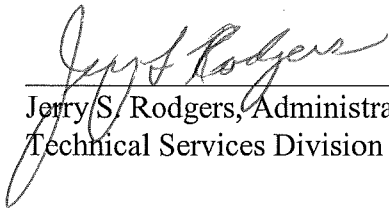
CONCLUSIONS OF LAW

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 80 acre-feet of water is allocated to well 1 and 60 acre-feet is allocated to well 3 to WRL Investments, LLC for the year 2008 under Certificate 54084 for Subarea A of the Stage Gulch Critical Ground Water Area.

Dated at Salem, Oregon this 10TH day of August, 2007.



Jerry S. Rodgers, Administrator
Technical Services Division

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to certify, That MAURICE L. KOESTER

of Route 1, Box 65, Stanfield, State of Oregon 97875, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Wells 1 and 3

a tributary of Umatilla Basin for the purpose of supplemental irrigation of 250.3 acres

under Permit No. G-6555 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 22, 1975

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.78 cubic feet per second, being 0.67 cfs from Well 1 and 2.11 cfs from Well 3

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the NW 1/4 SE 1/4; SE 1/4 SE 1/4; Section 29, T4N, R29E, WM; Well 1 - 1370 feet North and 1380 feet West; Well 3 - 960 feet North and 1220 feet West, both from SE Corner, Section 29.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be 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;

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- 36.4 acres NE 1/4 SW 1/4
35.4 acres NW 1/4 SW 1/4
26.3 acres SW 1/4 SW 1/4
32.0 acres SE 1/4 SW 1/4
35.4 acres NE 1/4 SE 1/4
37.0 acres NW 1/4 SE 1/4
36.8 acres SW 1/4 SE 1/4
11.0 acres SE 1/4 SE 1/4
Section 29
Township 4 North, Range 29 East, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. April 4, 1986

/s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 49, page 54084

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