

SURFACE WATER AVAILABILITY REPORT

Application S-88368

A WAB does not exist for the POD location proposed by the attached application. If the source is a well, it has been determined to have the potential for substantial interference with surface water, therefore surface water availability must be considered. **Based on the definitions below**, please make a determination of surface water availability by completing this form.

Determination Exceedance Level 50% 80%

Do water rights exist downstream from the proposed point of diversion? Yes No

Is there a history of regulation at/near this proposed point of diversion? Yes No

Note: if there is no history of regulation, the Department could find water is available.

Is there enough water available to satisfy the proposed use plus the consumption portion of all relevant rights of record during the full season requested? Yes No Unsure

What information was used to determine water availability?

- Investigation of stream flow or groundwater measurement records
- Watermaster distribution records Flow requirements of existing water rights
- Stream flow modeling in ungauged basins Minimum perennial streamflows
- Scenic waterway flow requirements Other _____

If a permit is issued, what conditions would you recommend from the following list?

- b51a** The period of use has been limited to _____ through _____.
- TFM Req'd** Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion/appropriation. The permittee shall maintain the device in good working order.
- Staff Gage Req'd.** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage shall be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

Comments WARS shows water available at the Willamette River at mouth (80% exceedance) year-round. There is not a history of regulation on the source of water, and there is not an in-stream water right on the source. Therefore, water should be available for the proposed use.

Signature Amy J. Landvoigt Date 11/3/2021

Watermaster Water Availability Form

Revised 6/14/2017

ORS 690-300-0100(58): "Water Availability Analysis" means the investigation of stream flow or groundwater measurement records, watermaster distribution records, flow requirements of existing water rights, stream flow modeling in ungauged basins, minimum perennial streamflows, or scenic waterway flow requirements to determine if water is available to support the proposed water use.

ORS 690-300-0100(57): "Water is Available," when used in OAR 690-310-0080, 690-310-0110 and 690-310-0130, means:

(a) The requested source is not over-appropriated under OAR 690-400-0010 and 690-410-0070 during any period of the proposed use; or

(b) If the requested source is already over-appropriated for any portion of the period of use proposed in a new application:

(A) The applicant can show the proposed use requires water only during the period of time in which the requested source is not already over-appropriated;

(B) The applicant has obtained or has shown the applicant can obtain authorization to use water from an alternate source to provide water needed during any period of use in which the source is over-appropriated; or

(C) If the applicant has shown they can obtain authorization to use water from an alternate source during the time water is unavailable, the department conditions the approval of the application to require that prior to diversion of water the applicant obtains authorization for use of water from the alternate source.

(c) For surface water applications received before July 17, 1992, the provisions of subsection (a) of this section shall apply except that the determination of whether a requested source is over-appropriated under OAR 690-400-0010 and 690-410-0070 shall be based upon whether the quantity of water available during a specified period is not sufficient to meet the expected demands for all water rights at least 50 percent of the time during that period.

OAR 690-400-0010(11)(a) "Over-Appropriated" means a condition of water allocation in which:

(A) The quantity of surface water available during a specified period is not sufficient to meet the expected demands from all water rights at least 80 percent of the time during that period; or

(B) The appropriation of groundwater resources by all water rights exceeds the average annual recharge to a groundwater source over the period of record or results in the further depletion of already over-appropriated surface waters.

(b) The standards for determining over-appropriation described in paragraph (A) of this subsection shall apply to water availability determination for permit applications submitted after July 17, 1992.