

GENERAL GUIDANCE TO ADDRESS A “CALL FOR REGULATION”

1. Validate Call

Determine water rights of complainant (i.e. priority date, source, use, max. rate, etc), if applicable:
Conduct a site inspection where call is being made:

- Are the diversion, use, and place of use authorized by a water right of record? (Certificate, Transfer, or Permit) If yes – continue; If no – work with complainant to achieve compliance
- Is water available from the authorized diversion and source to satisfy the rights or permits being called? If no – continue; If yes – inform complainant of water availability
- Determine the most junior right in use by complainant.

2. Develop a Rough Distribution List (if none is available)

- Research water rights on stream and affected tributaries.
- Prepare distribution list and map or copy existing rights of record for field use.
- Key information includes diversion and well location, rate, use, place of use, priority date, water right number, and ownership.

3. Inspect and Regulate Upstream Diversions for Unauthorized Use

- Regulate off unauthorized diversions.
- Check authorized diversions for compliance with water rights of record (rate, use, and place of use). Regulate off use that is out of compliance.

4. Conduct a Supply and Demand Evaluation

- Use stream gauging station data, make stream measurements, or use visual observation to assess general water supply on the stream system.
- Use visual observation, conversation with water users, weather conditions, and other factors to assess water demand.

5. Determine Target Priority Date

- Following the above steps and incorporating the supply and demand evaluation, establish the priority date of senior water rights in use in which junior water rights will have to be regulated off to meet your target flow.

6. Groundwater Evaluation

- If the groundwater science has been developed for the watershed that demonstrates that surface water and groundwater are interconnected, evaluate groundwater uses per OAR 690-009 to determine whether regulation of wells would be effective and provide a benefit to a senior right in a timely manner.

7. Regulate Junior Diversions and Use

- Regulate off water rights and permits with dates of priority junior to the target priority date including complainant's junior rights.
- Post diversions and wells (if regulated) inform water users of regulatory activity.

8. Re-evaluate to Determine if Conditions have Changed

- Regularly assess conditions to determine if supply and/or demand have changed or if regulatory call is **futile**.
- Adjust regulatory activity if water supply has increased/decreased or a senior user has turned on or off.
- Continue regulation until stream flow meets the needs of the senior water rights including consideration of ISWRs.