



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

**CERTIFIED MAIL  
Return Receipt Requested**

U.S. FOREST SERVICE  
LAKE OF THE WOODS RECREATION ASSOCIATION  
ATTN: BRADFORD ASPELL  
122 S 5TH ST,  
KLAMATH FALLS, OR 97601

September 12, 2008

Reference: File S-86994

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application requested the use of 0.21 cubic foot per second (CFS), being 0.005 CFS per household, for year-round group domestic for 42 homes from Lake of the Woods.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Under ORS 536.340(1)(a), the Water Resources Commission may establish a basin program to classify sources of water supply as to the highest and best use and quantities of use, and that classification of sources of water supply has the effect of restricting the use and quantities of use thereof to the uses and quantities of uses specified in the classification. The Commission has not established a basin program for the Klamath River basin. Therefore, neither the proposed use nor the quantity of the proposed use is restricted as a result of this consideration.
4. Surface water is not available in the amount requested during the entire period requested. However, by providing additional information you may request a limited permit for human consumption use (indoor use only: cooking, drinking, and sanitation), limited to

500 gallons per day per household. Please refer to the **Additional Information Opportunity** section below for details.

5. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

### **Summary of Allowable Water Use**

**Because not all items above are favorable, the use of 0.21 CFS of water further limited to 0.005 CFS per household from Lake of the Woods for year-round group domestic for 42 households is not allowable, and it appears unlikely that you will be issued a permit. However, by providing additional information you may request a limited permit for human consumption use (indoor use only: cooking, drinking, sanitation), limited to 500 gallons per day per household. At this time, you must decide whether to proceed or to withdraw your application as described below.**

### **Additional Information Opportunity**

Due to requirements for existing water rights and/or minimum flows in a scenic waterway, water is not available in sufficient quantities to support the proposed use. However, human consumption of water (indoor use only: cooking, drinking and sanitation) from the proposed source may be considered a high public interest use if there is no reasonable alternative. If you can provide evidence that this is the case, we will work with the Oregon Department of Fish and Wildlife to attempt to determine conditions which will protect instream values during the months when instream flow requirements are not met. These conditions may include mitigation measures to offset the impact of the requested use.

Please complete and return the attached “Application Supplement for Human Consumption & Livestock Uses” form. **Please submit the information no later than Thursday, October 16, 2008.** If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

### **Additional Information Required:**

Additional information is required to process your application. Please provide the following:

- The Department has determined additional fees are needed to continue processing your application. The Department must receive exam fees in the amount of

\$6,700.00. Please include your application number on your check made out to the Oregon Water Resources Department. Your exam requirements consisted of:

Base fee .....	\$500.00
Up to 1 <sup>st</sup> CFS.....	\$200.00
37 additional point of diversion.....	<u>\$7,400.00</u>
Total Exam Fee Required.....	\$8,100.00
Total Exam Fee Paid.....	\$700.00

**Please submit this information no later than Thursday, October 16, 2008.** If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, September 26, 2008**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1.Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or

measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- 2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
- 3. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at [http://www.oregon.gov/ODA/NRD/water\\_agplans.shtml](http://www.oregon.gov/ODA/NRD/water_agplans.shtml) to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0815 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Joel Plahn, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Joel Plahn

Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-86994  
WAB 14-31420305  
POU 14-31420305  
GW

# APPLICATION FACT SHEET

Application File Number: S-86994

Applicant: U.S. FOREST SERVICE, LAKE OF THE WOODS RECREATION ASSOCIATION

County: KLAMATH

Watermaster: 17

Priority Date: SEPTEMBER 26, 2007

Source: LAKE OF THE WOODS

Use: GROUP DOMESTIC FOR 42 HOUSEHOLDS

Quantity: 0.21 CFS BEING 0.005 CFS PER HOUSEHOLD

Basin Name & Number: Klamath, #14

Stream Index Reference: Volume 1 4MILE CR & MISC;TRIB/KLAM

Point of Diversion(s):

MAP #1

POD S5- GOV'T LOT 1 (NWNW), SECTION 10, T37S, R5E, W.M.; NORTH 73 DEGREES 57 MINUTES WEST, 1694 FEET TO NW CORNER, SECTION 10

POD S3 - GOV'T LOT 1 (NWNW), SECTION 10, T37S, R5E, W.M.; NORTH 66 DEGREES 29 MINUTES WEST, 1822 FEET TO NW CORNER, SECTION 10

POD Q8 - GOV'T LOT 1 (NWNW), SECTION 10, T37S, R5E, W.M.; NORTH 55 DEGREES 39 MINUTES WEST, 2068 FEET TO NW CORNER, SECTION 10

POD Q7 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 52 DEGREES 28 MINUTES WEST, 2155 FEET TO NW CORNER, SECTION 10

POD Q3 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 45 DEGREES 25 MINUTES WEST, 2394 FEET TO NW CORNER, SECTION 10

POD Q2 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 43 DEGREES 16 MINUTES WEST, 2469 FEET TO NW CORNER, SECTION 10

POD Q1 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 41 DEGREES 31 MINUTES WEST, 2544 FEET TO NW CORNER, SECTION 10

POD P10 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 38 DEGREES 54 MINUTES WEST, 2660 FEET TO NW CORNER, SECTION 10

POD P9 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 37

DEGREES 41 MINUTES WEST, 2705 FEET TO NW CORNER, SECTION 10

POD P8 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 36 DEGREES 22 MINUTES WEST, 2763 FEET TO NW CORNER, SECTION 10

POD P6 GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 33 DEGREES 25 MINUTES WEST, 2922 FEET TO NW CORNER, SECTION 10

**MAP #2**

POD P4 - GOV'T LOT 4 (NWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 31 DEGREES 19 MINUTES WEST, 3029 FEET TO SW CORNER, SECTION 10

POD O8 - GOV'T LOT 4 (NWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 36 DEGREES 58 MINUTES WEST, 2465 FEET TO SW CORNER, SECTION 10

POD O3 - GOV'T LOT 4 (NWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 42 DEGREES 46 MINUTES WEST, 1966 FEET TO SW CORNER, SECTION 10

POD O1 - GOV'T LOT 5 (SWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 44 DEGREES 54 MINUTES WEST, 1823 FEET TO SW CORNER, SECTION 10

POD N7 - GOV'T LOT 5 (SWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 56 DEGREES 39 MINUTES WEST, 1470 FEET TO SW CORNER, SECTION 10

POD N3 - GOV'T LOT 5 (SWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 69 DEGREES 05 MINUTES WEST, 1262 FEET TO SW CORNER, SECTION 10

**MAP #3**

POD M8 - GOV'T LOT 1 (NWNW), SECTION 15, T37S, R5E, W.M.; NORTH 87 DEGREES 0 MINUTES WEST, 1364 FEET TO NW CORNER, SECTION 15

POD L4 - GOV'T LOT 2 (SWNW), SECTION 15, T37S, R5E, W.M.; NORTH 44 DEGREES 22 MINUTES WEST, 2033 FEET TO NW CORNER, SECTION 15

POD L1 - GOV'T LOT 2 (SWNW), SECTION 15, T37S, R5E, W.M.; NORTH 37 DEGREES 20 MINUTES WEST, 2277 FEET TO NW CORNER, SECTION 15

POD K10 - GOV'T LOT 2 (SWNW), SECTION 15, T37S, R5E, W.M.; NORTH 35 DEGREES 44 MINUTES WEST, 2367 FEET TO NW CORNER, SECTION 15

POD K8 - GOV'T LOT 2 (SWNW), SECTION 15, T37S, R5E, W.M.; NORTH 32 DEGREES 54 MINUTES WEST, 2539 FEET TO NW CORNER, SECTION 15

**MAP #4**

POD G5 - GOV'T LOT 3 (SENE), SECTION 10, T37S, R5E, W.M.; NORTH 03 DEGREES 31 MINUTES EAST, 2149 FEET TO NE CORNER, SECTION 10

POD G4 - GOV'T LOT 3 (SENE), SECTION 10, T37S, R5E, W.M.; NORTH 01 DEGREE 55 MINUTES EAST, 2305 FEET TO NE CORNER, SECTION 10

POD F25 - GOV'T LOT 3 (NWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 04

DEGREES 18 MINUTES WEST, 2617 FEET TO SW CORNER, SECTION 11

POD E14 E20 E21- GOV'T LOT 4 (SWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 08 DEGREES 10 MINUTES WEST, 1228 FEET TO SW CORNER, SECTION 11

POD E19 - GOV'T LOT 4 (SWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 08 DEGREES 19 MINUTES WEST, 1197 FEET TO SW CORNER, SECTION 11

POD E5 - GOV'T LOT 4 (SWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 08 DEGREES 18 MINUTES WEST, 1123 FEET TO SW CORNER, SECTION 11

POD E16 - GOV'T LOT 4 (SWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 06 DEGREES 05 MINUTES WEST, 901 FEET TO SW CORNER, SECTION 11

POD E17 - GOV'T LOT 4 (SWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 02 DEGREES 25 MINUTES WEST, 720 FEET TO SW CORNER, SECTION 11

**MAP #5**

POD C11 C12 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 04 DEGREES 47 MINUTES WEST, 294 FEET TO NW CORNER, SECTION 14

POD C8 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 10 DEGREES 08 MINUTES WEST, 452 FEET TO NW CORNER, SECTION 14

POD C4 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 16 DEGREES 45 MINUTES WEST, 889 FEET TO NW CORNER, SECTION 14

POD C3 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 17 DEGREES 36 MINUTES WEST, 990 FEET TO NW CORNER, SECTION 14

POD V1 V10- GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 15 DEGREES 54 MINUTES WEST, 1262 FEET TO NW CORNER, SECTION 14

POD V13 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 17 DEGREES 07 MINUTES WEST, 1187 FEET TO NW CORNER, SECTION 14

POD B9 - GOV'T LOT 2 (SWNW), SECTION 14, T37S, R5E, W.M.; NORTH 14 DEGREES 09 MINUTES WEST, 1447 FEET TO NW CORNER, SECTION 14

POD T9 - GOV'T LOT 2 (SWNW), SECTION 14, T37S, R5E, W.M.; NORTH 03 DEGREES 26 MINUTES WEST, 2251 FEET TO NW CORNER, SECTION 14

Place of Use:

GOV'T LOT 1 (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ )  
GOV'T LOT 2 (SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ )  
GOV'T LOT 3 (SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ )  
GOV'T LOT 4 (NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ )  
GOV'T LOT 5 (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ )  
SECTION 10

GOV'T LOT 2 (SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ )  
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$



GOV'T LOT 3 (NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ )  
GOV'T LOT 4 (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ )  
SECTION 11

GOV'T LOT 1 (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ )  
GOV'T LOT 2 (SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ )  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 14

GOV'T LOT 1 (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ )  
GOV'T LOT 2 (SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ )  
SECTION 15  
TOWNSHIP 37 SOUTH, RANGE 5 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 26, 2008**

**PUBLIC NOTICE DATE: Tuesday, September 16, 2008**

**30 DAY COMMENT DEADLINE DATE: Thursday, October 16, 2008**

# Mailing List for IR Copies

Application #S-86994

IR Date: September 12, 2008

## Original mailed to applicant:

U.S. FOREST SERVICE  
LAKE OF THE WOODS RECREATION ASSOCIATION  
ATTN: BRADFORD ASPELL,  
122 S 5TH ST  
KLAMATH FALLS, OR 97601

## Copies sent to:

1. WRD - File # S-86994
2. WRD - Water Availability: Ken Stahr

## IR, Map, and Fact Sheet Copies VIA EMAIL sent to:

3. WRD - Watermaster: 17 (include Division 33 form)
4. ODFW: Bill Tinniswood (include Division 33 form)
5. DEQ: Eric Nigg (include Division 33 form)

## IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

## Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

USDA Forest Service, PO Box 3623 Portland OR 97208-3623

Klamath Ranger District, Margaret David Bailey, 2819 Dahlia St Klamath Falls, OR 97601

ADKINS Consulting Engineers Inc. Douglas Adkins, 2950 Shasta Way Klamath Falls, OR 97603

Caseworker: Joel Plahn

\\COPYSHT.IR

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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**REMINDER:** Copy **all** IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)