



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

October 10, 2008

CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON
ATTN: CHRIS BRUN
6040 DEE HWY
PARKDALE, OR 97041

Reference: File S-87269

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 5.0 cubic feet per second (CFS) of water from West Fork Hood River, a tributary of Hood River, for year-round anadromous and resident fish rearing.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from West Fork Hood River, a tributary of Hood River, for year-round anadromous and resident fish rearing is allowable under the Hood Basin Program.
4. Surface water is not available in the amount requested at any time. Although this determination is unfavorable, water availability may be overcome if you provide additional information about the hatchery design which results in a finding by the Department that the use is non-consumptive.
5. Oregon Administrative Rule (OAR) 690-033-0120(2) prohibits the diversion of water from April 15 through September 30 of each year. However, projects that provide net benefits for native resident and native anadromous fish recovery are exempt from this seasonal limitation. The Department will consult with Oregon Department of Fish and Wildlife to determine if the use is exempt under OAR 690-033-0140(2).

6. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 5.0 CFS of water from West Fork Hood River, a tributary of Hood River, for anadromous and resident fish rearing is not allowable, and it appears unlikely that you will be issued a permit. However, if water availability is overcome and/or the use is exempt from the seasonal limitations of OAR 690-033, the Department's findings may change at the next step of processing.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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, October 24, 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.

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 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 503-986-0859 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: Jeana Eastman, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form
S-87269 WAB 4-72076 POU 4-72076

APPLICATION FACT SHEET

Application File Number: S-87269

Applicant: CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

County: Hood River

Watermaster: 3

Priority Date: September 19, 2008

Source: WEST FORK HOOD RIVER, A TRIBUTARY OF HOOD RIVER

Use: ANADROMOUS AND RESIDENT FISH REARING

Quantity: 5.0 CUBIC FEET PER SECOND

Basin Name & Number: Hood, #4

Stream Index Reference: Volume 1 W FK HOOD R & MISC

Point of Diversion or Well Location(s): SWNE, SECTION 14, T1N, R9E, W.M.;1840 FEET SOUTH AND 2105 FEET WEST FROM NE CORNER, SECTION 14

Place of Use:

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 14
TOWNSHIP 1 NORTH, RANGE 9 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 24, 2008

PUBLIC NOTICE DATE: Tuesday, October 14, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, November 13, 2008

Mailing List for IR Copies

Application #S-87269

IR Date: October 10, 2008

Original mailed to applicant:

CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON, 6040 DEE HWY, PARKDALE, OR 97041

Copies sent to:

1. WRD - File # S-87269
2. WRD - Water Availability: Ken Stahr

sent VIA EMAIL:

WM
ODFW
DEQ

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager (not SCR): NC
4. Department of Agriculture
5. Columbia River Intertribal Fish Commission, Julie Carter,
729 NE Oregon St, Ste 200, Portland OR 97232
6. US Fish & Wildlife Service, Gary Miller, 3502 Hwy 30, La Grande, OR 97850
7. NW Power Planning Council, Fish & Wildlife Division, Karl Weist
851 SW Sixth Ave, Ste 1020, Portland OR 97204
8. Confederated Tribes of the Umatilla Indian Reservation, Carl Merkle or Jennifer Hudson
PO Box 638, 73239 Confederated Way, Pendleton, OR 97801
9. National Marine Fisheries Service, Spencer Hovekamp
3502 Hwy 30, La Grande, OR 97850

Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

1. Longview Timber Corp, Attn: J Steve Hansen,
PO Box 667, 10 International Way, Longview WA 98632
2. Mid Columbia Tree Farm, PO Box 907, Stevenson WA 98648

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

1. Toll, Larry, CWRE #132

Tenneson Engineering Corp, 409 Lincoln Street, The Dalles OR 97058

Caseworker: Jeana Eastman

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