



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

May 22, 2009

CITY OF DETROIT
ATTN: MARGARET H. SCOTT, MAYOR
PO BOX 589
DETROIT, OR 97342

Reference: File S-87452

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 proposed the diversion of 1.0 cubic foot per second (CFS) of water from Mackey Creek, a tributary of North Santiam River, for municipal use year-round (or as surface water flows permit.)
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The diversion of water from Mackey Creek, a tributary of North Santiam River, for municipal use is allowable January 1 through June 30 and September 1 through December 31 under the Willamette Basin Program.
4. Surface water is available January 1 through January 31, March 1 through July 31, and November 1 through December 31.
5. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 1.0 CFS from Mackey Creek, a tributary of North Santiam River, for municipal use may be allowed January 1 through January 31, March 1 through June 30, and November 1 through December 31.

Because of the Department's determination, your application can be moved to the next phase of the water-rights application review process, where public interest factors will be evaluated. However, due to **#3 and #4** above, your application will likely be limited accordingly.

Additional Information Required:

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval.

The map submitted with the application materials described the township as "10 North" and the quarter-quarter of the point of diversion as "SE1/4 NE1/4". It appears the correct location is 10 South and NE1/4 SE1/4. Please provide a revised map if appropriate.

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.

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

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, June 5, 2009**. 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.
- B. The permittee 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.

- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
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-87452
WAB 2-143
POU 2-143
GW

APPLICATION FACT SHEET

Application File Number: S-87452

Applicant: CITY OF DETROIT

County: Marion

Watermaster: 16

Priority Date: May 5, 2009

Source: MACKEY CREEK, A TRIBUTARY OF NORTH SANTIAM RIVER

Use: MUNICIPAL USE

Quantity: 1.0 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 7 N SANTIAM R MISC

Point of Diversion or Well Location(s): NESE, SECTION 1, T10S, R5E, W.M.;2335 FEET NORTH AND 400 FEET WEST FROM SE CORNER, SECTION 1

Place of Use: WITHIN THE CITY OF DETROIT'S WATER SERVICE BOUNDARY

14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 5, 2009

PUBLIC NOTICE DATE: Tuesday, May 26, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, June 25, 2009

Mailing List for IR Copies

Application #S-87452

IR Date : May 22, 2009

Original mailed to applicant:

CITY OF DETROIT, PO BOX 589, DETROIT, OR 97342

Copies sent to:

1. WRD - File # S-87452
2. WRD - Water Availability: Ken Stahr

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

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

3. WRD - Watermaster # 16
4. ODFW
5. DEQ

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

1. Oregon Dept of Forestry, 1225 SE Ferry St, Salem OR 97301

COPYSHT.IR

Caseworker: Jeana Eastman