



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

PAULA RINI
2173 ESSEX LANE
EUGENE, OR 97403

October 23, 2009

U. S. D. A. FOREST SERVICE
MIDDLE FORK RANGER DISTRICT
ATTN: CHIP WEBER
46375 HWY 58
WESTFIR, OR 97492

Reference: File S-87499

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 use of 20.0 gallons per minute, being 0.045 cubic foot per second (CFS), for year-round domestic use for five households.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Salt Creek, a tributary of Middle Fork Willamette River for domestic use is allowable year-round under the Willamette Basin Program, not to exceed 0.01 CFS, per household, from February 1 through August 31.
4. Surface water is not available during the period February 1 through November 30.
5. 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 (indoor use only: cooking, drinking, and sanitation), at a rate of 0.005 CFS per household, further limited to 500 gallons per day per household. Please refer to the **Additional Information Opportunity** section below for details.

6. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

Because not all items above are favorable, the use of 0.025 CFS of water from Salt Creek, a tributary of Middle Fork Willamette River, for domestic use 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 (indoor use only: cooking, drinking, sanitation), at a rate of 0.005 CFS per household, further 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.

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 #4 and #5 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. Please provide the following item(s):

The map submitted does not meet the requirements of OAR 690-310-0050(4)(a). **The location of POD #5, as drawn on the map, is not consistent with the coordinate location provided in the application.** Please provide a map that shows the correct location of the pump by reference to a recognized public land survey corner. The location may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

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.

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, November 26, 2009.** 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.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, November 6, 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 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 503-986-0853 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: Michele McAleer, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Michele McAleer
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87499
WAB 2-156
POU 2-156
GW

APPLICATION FACT SHEET

Application File Number: S-87499

Applicant: PAULA RINI AND CHIP WEBER U.S. FOREST SERVICE, MIDDLE FORK RANGER DISTRICT

County: LANE

Watermaster: 2

Priority Date: SEPTEMBER 11, 2009

Source: SALT CREEK, A TRIBUTARY OF MIDDLE FORK WILLAMETTE RIVER

Use: DOMESTIC USE FOR FIVE HOUSEHOLDS

Quantity: 0.045 CUBIC FOOT PER SECOND

Basin Name & Number: WILLAMETTE, #2

Stream Index Reference: Volume 1 SALT CR & MISC

Point of Diversion(s):

POD #1: NWSW, SECTION 23, T21S, R3E, W.M.; 850 FEET SOUTH AND 180 FEET EAST FROM W1/4 CORNER, SECTION 23

POD #2: NWSW, SECTION 23, T21S, R3E, W.M.; 900 FEET SOUTH AND 360 FEET EAST FROM W1/4 CORNER, SECTION 23

POD #3: NWSW, SECTION 23, T21S, R3E, W.M.; 960 FEET SOUTH AND 555 FEET EAST FROM W1/4 CORNER, SECTION 23

POD #4: NWSW, SECTION 23, T21S, R3E, W.M.; 970 FEET SOUTH AND 725 FEET EAST FROM W1/4 CORNER, SECTION 23

POD #5: NWSW, SECTION 23, T21S, R3E, W.M.; 945 FEET SOUTH AND 610 FEET EAST FROM W1/4 CORNER, SECTION 23

Place of Use:

NW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 23
TOWNSHIP 21 SOUTH, RANGE 3 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 6, 2009

PUBLIC NOTICE DATE: Tuesday, October 27, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, November 26, 2009

Mailing List for IR Copies

Application #S-87499

IR Date : October 23, 2009

Original mailed to applicant:

PAULA RINI, 2173 ESSE LANE, EUGENE, OR 97403

U. S. D. A. FOREST SERVICE, MIDDLE FORK RANGER DISTRICT, ATTN: CHIP WEBER,
46375 HWY 58, WESTFIR, OR 97492

Copies sent to:

1. WRD - File # S-87499
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent via e-mail to:

3. WRD - Watermaster # 2 (include Division 33 form)
4. ODFW: Jeff Ziller (include Division 33 form)
5. DEQ: Jared Rubin (include Division 33 form)

IR, Map, and Fact Sheet Copies sent to:

6. WRD - Regional Manager: NWR
7. Department of Agriculture

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

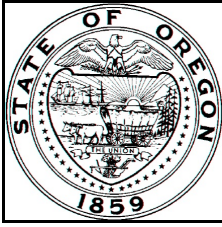
8. Shari Monson, USDA Forest Service, Special Use Administrator, Middle Fork Ranger District,
46375 Highway 58, Westfir, OR 97492
9. Kerry Krueger, PO Box 789, Oakridge, OR 97463
10. Jerene F. Alder, 2058 Olive Street, Eugene, OR 97405-2836
11. Duane Faulhaber, 2190 Law Lane, Eugene, OR 97401
12. Mason D. Williams, 280 West 26th Street, Eugene, OR 97405

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

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

Caseworker: Michele McAleer

COPYSHT.IR



File #: S-87499

Oregon Water Resources Department
Application Supplement for
Human Consumption & Livestock Uses

For water use permit applications within or above scenic waterways, or from streams for which water is not available due to required instream flows, the Department may issue limited permits for human consumption and livestock uses. Human consumption use is limited to 500 gallons per day for indoor use only for drinking, cooking, and sanitation, and does not include other uses such as lawn or garden watering or other related water uses.

In order to issue a permit to you for human consumption or livestock use, the Department must find that you cannot reasonably obtain water from any other source. For human consumption, an additional finding must be made that denial of the water right would result in loss of reasonable expectations for use of your property. For livestock use, additional findings must be made that issuance of a permit is necessary to prevent the livestock from watering in or along the stream bed and that you have excluded livestock from the stream and the adjacent riparian zone.

Please answer the following questions, and sign and return this form to Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266.

1. Can you reasonably obtain water from any other source? YES / NO
(circle one)

If not, please describe why each of the following options are not reasonable:

- a. Groundwater, such as a well on yours or a neighbor's property. (If expense is the reason groundwater is not reasonable, please provide two estimates of the cost.)

- b. Securing stored water from upstream reservoirs.

- c. Trucking water. (If expense is the reason this option is not reasonable, please provide a copy of an estimate of the cost of trucking water.)

d. Community or municipal water suppliers.

e. Tying in to a neighboring property's spring.

g. Transferring existing water rights to your proposed use(s).

Please identify any other alternate water sources you have considered, and why they are not feasible:

2. If you are seeking a permit for **human consumption use**, would denial of your application result in loss of reasonable expectations for use of your property?

YES / NO / NOT APPLICABLE
(circle one)

If so, please describe how:

3. If you are seeking a permit for **livestock use**, is the proposed use necessary to prevent the livestock from watering in or along the stream bed?

YES / NO / NOT APPLICABLE
(circle one)

4. If you are seeking a permit for **livestock use**, have you excluded livestock from the stream and the adjacent riparian zone?

YES / NO / NOT APPLICABLE
(circle one)

Applicant Signature: _____

Date: _____

Applicant Signature: _____

Date: _____