



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

July 31, 2009

USDA FOREST SERVICE
1230 NE 3RD ST, SUITE A-262
BEND, OR 97701

BRUCE ROGERS
5494 SE 22ND COURT
PORTLAND, OR 97080

RICHARD GERVAIS JR
19745 MT BACHELOR DR
BEND, OR 97702

JOHN G. GROUT
2591 SW BUCKINGHAM
PORTLAND, OR 97201

DALE TIGNOR
1614 SW 16TH ST
REDMOND, OR 97756

KATHLEEN RICHMAN
6650 SW RALEIGHWOOD LANE
PORTLAND, OR 97225

Reference: File S-87485

Dear Applicants:

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 0.005 cubic foot per second (CFS) per household from Elk Lake for human consumption for five households from May 1 through November 30.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Elk Lake for human consumption is allowable under the Deschutes Basin Program.
4. Surface water is available for human consumption (indoor use only: cooking, drinking, and sanitation) at a rate of 0.005 CFS, further limited to 500 gallons per day per household, as this amount is *de minimis* (insignificant) and would not likely have an adverse affect on downstream water given that there is no overland downstream flow from Elk Lake.
5. The proposed use is located above the Deschutes Scenic Waterway, as designated under ORS 390.826.

Summary of Initial Determinations

The use of 0.005 CFS from Elk Lake for human consumption (indoor use only: cooking, drinking, and sanitation), limited to 500 gallons per day per household, from May 1 through November 30 is allowable.

Because of these favorable determinations, the Department can now move your application to the next phase of the water-rights application review process, where public interest factors will be evaluated.

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.

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.

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, August 14, 2009**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

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 503-986-0815 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,

A handwritten signature in black ink, appearing to read 'J Plahn', with a long horizontal stroke extending to the right.

Joel Plahn
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87485
WAB 5-
POU 5-
GW

APPLICATION FACT SHEET

Application File Number: S-87485

Applicant: USDA FOREST SERVICE, BRUCE ROGERS, RICHARD GERVAIS JR, JOHN G. GROUT, DALE TIGNOR, KATHLEEN RICHMAN

County: Deschutes

Watermaster: 11

Priority Date: June 29, 2009

Source: ELK LAKE

Use: HUMAN CONSUMPTION FOR FIVE HOUSEHOLDS

Quantity: 0.005 CUBIC FOOT PER SECOND, LIMITED TO 500 GALLONS PER DAY PER HOUSEHOLD

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 1 DESCHUTES R MISC

Point of Diversion Location(s):

POD A - SWSE, SECTION 29, T18S, R8E, W.M.; 650 FEET NORTH AND 2100 FEET WEST FROM SE CORNER, SECTION 29

POD B - SWSE, SECTION 29, T18S, R8E, W.M.; 410 FEET NORTH AND 1950 FEET WEST FROM SE CORNER, SECTION 29

POD C - SWSE, SECTION 29, T18S, R8E, W.M.; 280 FEET NORTH AND 1930 FEET WEST FROM SE CORNER, SECTION 29

POD E - NWNE, SECTION 32, T18S, R8E, W.M.; 490 FEET SOUTH AND 1800 FEET WEST FROM NE CORNER, SECTION 32

POD F - SWNW, SECTION 32, T18S, R8E, W.M.; 2150 FEET SOUTH AND 4810 FEET WEST FROM NE CORNER, SECTION 32

Place of Use:

SW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 29

NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 32

TOWNSHIP 18 SOUTH, RANGE 8 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 14, 2009

PUBLIC NOTICE DATE: Tuesday, August 4, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, September 3, 2009

Mailing List for IR Copies

Application #S-87485

IR Date: July 31, 2009

Original mailed to applicant:

USDA FOREST SERVICE
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6650 SW RALEIGHWOOD LANE
PORTLAND, OR 97225

Copies sent to:

1. WRD - File # S-87485
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 11 (include Division 33 form)
4. DEQ
5. ODFW

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

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

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

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

Caseworker: Joel Plahn

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