



# 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

January 8, 2010

JOHN FISCHER  
2197 JEPPESEN ACRES RD  
EUGENE, OR 97401

USDA FOREST SERVICE  
CRESCENT RANGER DISTRICT  
PO BOX 208  
CRESCENT, OR 97733

Reference: File S-87558

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 0.002 cubic foot per second (CFS) of water from a spring, tributary to Odell Lake, for year-round domestic use for one household.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from a spring, tributary to Odell Lake, for domestic use is allowable under the Deschutes Basin Program.
4. Surface water is not available for domestic use. However, surface water is available for a *de minimis* (insignificant) use, being **human consumption** (indoor use only: cooking, drinking, and sanitation) at a rate of 0.002 CFS, further limited to 500 gallons per day per household, as this amount would not likely have an adverse affect on downstream water given that there is no overland downstream flow from Davis Lake, to which Odell Lake is ultimately tributary.

If you would like to amend your application to human consumption use please send your written request by **Thursday, February 11, 2010.**

5. The proposed use is located above the Deschutes Scenic Waterway, as designated under ORS 390.826.

### Summary of Initial Determinations

**The use of 0.002 CFS of water from a spring, tributary to Odell Lake, for year-round domestic use for one household is not allowable. However, if the application is amended to human consumption (indoor use only: cooking, drinking, and sanitation) at a rate of 0.002 CFS, further limited to 500 gallons per day per household, the Department will likely proceed with a Proposed Final Order recommending approval.**

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, January 22, 2010**. 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](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 503-986-0816 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: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerry Kavanagh  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87558  
WAB Klamath-  
POU Klamath-  
GW

# APPLICATION FACT SHEET

Application File Number: S-87558

Applicant: JOHN FISCHER AND USFS, CRESCENT RANGER DISTRICT

County: Klamath

Watermaster: 11

Priority Date: December 8, 2009

Source: A SPRING, TRIBUTARY TO ODELL LAKE

Use: DOMESTIC FOR ONE HOUSEHOLD

Quantity: 0.002 CUBIC FOOT PER SECOND (CFS)

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 1A ODELL L & MISC

Point of Diversion Location: SESW, SECTION 14, T23S, R6E, W.M.; 600 FEET NORTH AND 508 FEET WEST FROM SE CORNER, SESW, SECTION 14

Place of Use:

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 14  
TOWNSHIP 23 SOUTH, RANGE 6 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 22, 2010**

**PUBLIC NOTICE DATE: Tuesday, January 12, 2010**

**30 DAY COMMENT DEADLINE DATE: Thursday, February 11, 2010**

# Mailing List for IR Copies

Application #S-87558

IR Date: January 8, 2010

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## Original mailed to applicant:

JOHN FISCHER  
2197 JEPPESEN ACRES RD  
EUGENE, OR 97401

USDA FOREST SERVICE  
CRESCENT RANGER DISTRICT  
PO BOX 208  
CRESCENT, OR 97733

## Copies sent to:

1. WRD - File # S-87558
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 11
4. ODFW: Brett Hodgson
5. DEQ: Eric Nigg

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

6. Department of Agriculture
7. Columbia River Intertribal Fish Commission, Julie Carter,  
729 NE Oregon St, Ste 200, Portland OR 97232
8. US Fish & Wildlife Service, Gary Miller, 3502 Hwy 30, La Grande, OR 97850
9. NW Power Planning Council, Fish & Wildlife Division, Karl Weist  
851 SW Sixth Ave, Ste 1020, Portland OR 97204
10. Confederated Tribes of the Umatilla Indian Reservation, Carl Merkle or Jennifer Hudson  
PO Box 638, 73239 Confederated Way, Pendleton, OR 97801
11. National Marine Fisheries Service, Spencer Hovekamp  
3502 Hwy 30, La Grande, OR 97850

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

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

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|----------------------|
| <b>Copies Mailed</b> |
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|                              |
|------------------------------|
| By: _____<br>(SUPPORT STAFF) |
|------------------------------|

|                     |
|---------------------|
| on: _____<br>(DATE) |
|---------------------|

Caseworker: Kerry Kavanagh

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