



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**

March 12, 2010

OREGON TRAIL COUNCIL BSA
2525 MARTIN LUTHER KING JR BLVD
EUGENE, OR 97401

Reference: File S-87581

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 0.1 cubic foot per second (CFS) of water from Siltcoos Lake, a tributary of Siltcoos River, for year-round group domestic use for 100 households.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Siltcoos Lake, a tributary of Siltcoos River, for year-round group domestic use is allowable under the Middle Coast Basin Program.
4. Surface water is available in the amount and for the full period requested.
5. It appears that a portion of the place of use may be within Dunes City. **Please clarify if the place of use is contained within Lane County or if a portion is in Dunes City and submit this information no later than Thursday, April 15, 2010.**

If a portion is in Dunes City, the Department must receive a completed Land Use Information Form signed by a Dunes City official indicating that either 1) the proposed use is allowed outright or not regulated or 2) that you're actively pursuing discretionary land-use approval.

If you're actively pursuing approval, the Department can continue to process the application and issue a Proposed Final Order and a Final Order even when land use

approval has not been obtained. However, before a permit will be issued the Department must receive documentation from Dunes City indicating that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

If a portion of the place of use is in Dunes City, please submit the above information no later than Thursday, April 15, 2010. If you are unable to meet this deadline, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more 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.

Summary of Initial Determinations

The diversion of 0.10 CFS from Siltcoos Lake, a tributary of Siltcoos River, for year-round group domestic use for 100 households 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, March 26, 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 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
 - 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-87581
WAB 18-31820701
POU 18-31820701

APPLICATION FACT SHEET

Application File Number: S-87581

Applicant: OREGON TRAIL COUNCIL BSA

County: Lane

Watermaster: 15

Priority Date: February 16, 2010

Source: SILTCOOS LAKE, A TRIBUTARY OF SILTCOOS RIVER

Use: GROUP DOMESTIC FOR 100 HOUSEHOLDS

Quantity: 0.10 CUBIC FOOT PER SECOND

Basin Name & Number: Middle Coast, #18

Stream Index Reference: Volume 3 SILTCOOS R & MISC

Point of Diversion or Well Location(s): NESW, SECTION 26, T19S, R12W, W.M.; 1538 FEET NORTH AND 786 FEET WEST FROM S1/4 CORNER, SECTION 26

Place of Use:

SW ¼ NE ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 26

NW ¼ NE ¼
SW ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
SECTION 35

TOWNSHIP 19 SOUTH, RANGE 12 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 26, 2010

PUBLIC NOTICE DATE: Tuesday, March 16, 2010

30 DAY COMMENT DEADLINE DATE: Thursday, April 15, 2010

Mailing List for IR Copies

Application #S-87581

IR Date: March 12, 2010

Original mailed to applicant:

OREGON TRAIL COUNCIL BSA, 2525 MARTIN LUTHER KING JR BLVD, EUGENE, OR 97401

Copies sent to:

1. WRD - File # S-87581
2. WRD - Water Availability: Ken Stahr

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

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager (not SCR): SW
4. Department of Agriculture

SENT VIA EMAIL

5. WRD - Watermaster # 15
6. ODFW:
7. DEQ:

Caseworker: Jeana Eastman

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