



# 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

DEBBY CHEESEMAN  
4700 FOOTHILL BLVD  
GRANTS PASS, OR 97526

July 9, 2010

Reference: File S-87631

Dear Ms. Cheeseman:

### **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 3.0 acre feet (AF) of stored water from Lost Creek Reservoir, constructed under Permits R-8141 and R-8142, a tributary of Rogue River, for irrigation of 0.67 acre from April 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Lost Creek Reservoir, constructed under Permits R-8141 and R-8142, a tributary of Rogue River, for irrigation use is allowable under the Rogue Basin Program.
4. Stored water is available for further appropriation from Lost Creek Reservoir, constructed under Permits R-8141 and R-8142, contingent upon the submission of an executed and valid contract with the Bureau of Reclamation authorizing the appropriation of stored water.
5. Prior to the issuance of a permit, the Department must receive a copy of an executed and valid contract between you and the Bureau of Reclamation to appropriate stored water from Lost Creek Reservoir.
6. Prior to the issuance of a permit, the Department must receive documentation that the proposed use complies with the local acknowledged comprehensive land-use plan. Please submit documentation from the relevant planning jurisdiction that either a) the proposed use is allowed outright or b) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.
7. The proposed use is located above the Rogue River Scenic Waterway, as designated under ORS 390.826.

### Summary of Initial Determinations

**The use of 3.0 AF from Lost Creek Reservoir, a tributary of Rogue River, for irrigation 0.67 acre is allowable during the full period requested, April 1 through October 31, contingent upon the submission of a contract to appropriate stored water.**

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, July 23, 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.
3. The use of water under this right is subject to the terms and conditions of contract No. XXXXXX, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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](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-87631  
WAB 15-stored water (270)  
POU 15-270  
GW

# APPLICATION FACT SHEET

Application File Number: S-87631

Applicant: DEBBY CHEESEMAN

County: Jackson

Watermaster: 13

Priority Date: June 24, 2010

Source: LOST CREEK RESERVOIR, CONSTRUCTED UNDER PERMITS R-8141 AND R-8142, A TRIBUTARY OF ROGUE RIVER

Use: IRRIGATION OF 0.67 ACRE

Quantity: 3.0 ACRE FEET

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 1A ROGUE R MISC

Point of Re-Diversion: SESE, SECTION 19, T36S, R4W, W.M.; 365 FEET NORTH AND 963 FEET WEST FROM SE CORNER, SECTION 19

Place of Use:

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  0.67 ACRE  
SECTION 19  
TOWNSHIP 36 SOUTH, RANGE 4 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 23, 2010**

**PUBLIC NOTICE DATE: Tuesday, July 13, 2010**

**30 DAY COMMENT DEADLINE DATE: Thursday, August 12, 2010**

# Mailing List for IR Copies

Application #S-87631

IR Date: July 9, 2010

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**Original mailed to applicant:**

DEBBY CHEESEMAN  
4700 FOOTHILL BLVD  
GRANTS PASS, OR 97526

Copies sent to:

1. WRD - File # S-87631
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Regional Manager: SW
4. WRD - Watermaster # 13
5. ODFW: Brent Crow
6. DEQ: Heather Tugaw

IR, Map, and Fact Sheet Copies sent to:

7. Department of Agriculture
8. State Parks

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

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

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