



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

THOMAS AND VICKY VAN SAUN
PO BOX 1449
JACKSONVILLE, OR 97530

August 27, 2010

Reference: File S-87641

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 appropriation of 12.0 acre feet (AF) from Reservoir 1, to be constructed under Application R-87640, for irrigation of 15.9 acres and supplemental irrigation of 14.15 acres from March 1 through October 31, and for year-round temperature control.

The application also proposed the appropriation of 40.0 AF from Applegate Reservoir, constructed under Permit R-7810, for irrigation of 15.9 acres and supplemental irrigation of 14.15 acres from March 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 Reservoir 1, to be constructed under Application R-87640, tributary of Applegate River, for irrigation and temperature control is allowable under the Rogue Basin Program.
4. The use of water from Applegate Reservoir, constructed under Permit R-7810, tributary of Applegate River, for irrigation is allowable under the Rogue Basin Program.
5. Stored water in the amount of 12.0 AF is determined to be available for further appropriation from water legally stored, contingent upon the approval of Application R-87640.
6. Stored water in the amount of 40.0 AF is determined to be available for further appropriation from water legally stored, contingent upon the submittal of a valid contract between the applicants and the Bureau of Reclamation.

7. Your proposed use falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
8. The proposed use is located above the Rogue Scenic Waterway, as designated under Oregon Revised Statute (ORS) 390.826(9).
9. The proposed season for irrigation and supplemental irrigation will be limited by the Rogue River Decree. If the application is approved, the season allowed for irrigation and supplemental irrigation will be April 1 through October 31.

Summary of Initial Determinations

The use of 12.0 AF from Reservoir 1 for irrigation of 15.9 acres and supplemental irrigation of 14.15 acres and temperature control is allowable from April 1 through October 31 for irrigation and supplemental irrigation, and year-round for temperature control, contingent upon approval of Application R-87640.

The use of 40.0 AF from Applegate Reservoir, for irrigation of 15.9 acres and supplemental irrigation of 14.15 acres and is allowable from April 1 through October 31, contingent upon submittal of a valid contract with the Bureau of Reclamation.

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, September 10, 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.
- 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. XXXXX, 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 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-87641
WAB 15-stored water
POU 15-stored water
GW

APPLICATION FACT SHEET

Application File Number: S-87641

Applicant: THOMAS AND VICKY VAN SAUN

County: Jackson

Watermaster: 13

Priority Date: July 19, 2010

Sources: RESERVOIR 1 AND APPELEGATE RESERVOIR, TRIBUTARIES OF APPELEGATE RIVER

Uses: RESERVOIR 1 - IRRIGATION OF 15.9 ACRES; SUPPLEMENTAL IRRIGATION OF 14.15 ACRES; TEMPERATURE CONTROL

APPELEGATE RESERVOIR - IRRIGATION OF 15.9 ACRES; SUPPLEMENTAL IRRIGATION OF 14.15 ACRES;

Quantity: 52.0 ACRE FEET (AF), BEING 12.0 AF FROM RESERVOIR 1, TO BE CONSTRUCTED UNDER APPLICATION R-87640, AND 40.0 AF FROM APPELEGATE RESERVOIR, CONSTRUCTED UNDER PERMIT R-7810

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 6 APPELEGATE R

Point of Diversion/Re-Diversion Locations:

RESERVOIR 1 - NENE, SECTION 6, T38S, R4W, W.M.; 550 FEET SOUTH AND 510 FEET WEST FROM NE CORNER, SECTION 6

APPELEGATE RESERVOIR - SESW, SECTION 6, T38S, R4W, W.M.; 850 FEET NORTH AND 1450 FEET EAST FROM SW CORNER SECTION 6

Place of Use:

	<u>Primary</u>	<u>Supplemental</u>
SE $\frac{1}{4}$ SE $\frac{1}{4}$		0.75 ACRE AND TEMPERATURE CONTROL
		SECTION 31
		TOWNSHIP 37 SOUTH, RANGE 4 WEST, W.M.
NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.0 ACRES	2.0 ACRES AND TEMPERATURE CONTROL
NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.9 ACRES	11.4 ACRES AND TEMPERATURE CONTROL
		SECTION 6
		TOWNSHIP 38 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 10, 2010

PUBLIC NOTICE DATE: Tuesday, August 31, 2010

30 DAY COMMENT DEADLINE DATE: Thursday, September 30, 2010

Mailing List for IR Copies

Application #S-87641

IR Date: August 27, 2010

Original mailed to applicant:

THOMAS AND VICKY VAN SAUN
PO BOX 1449
JACKSONVILLE, OR 97530

Copies sent to:

1. WRD - File # S-87641
2. WRD - Water Availability: Ken Stahr

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

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

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

IR, Map, and Fact Sheet Copies sent to:

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

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

8. James and Sandra Revocable Trust, James H. And Sandra Wester, Trustees,
14601 N Applegate Rd, Grants Pass, OR 97527 (Tax Lot 705)
9. Jackson County Roads, 200 Antelope Rd, White City, OR 97503
10. Leonard and Connie Apple, P.O. Box 354, Norwalk, CA 90651 (Tax Lot 601)

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

11. Norm Daft, Superior Water Right Consulting LLC, 245 Glenoak Lane, Grants Pass OR 97526

Caseworker: Kerry Kavanagh

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