



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

GARY LEE KLOPFENSTEIN
2429 SE CHINABERRY AVE
ROSEBURG, OR 97470

October 29, 2010

Reference: File S-87656

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 use of 0.01 cubic foot per second (CFS) of water from North Umpqua River, a tributary of Umpqua River, for year-round domestic use expanded 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 North Umpqua River, a tributary of Umpqua River, for domestic use expanded for one household is allowable under the Umpqua Basin Program.
4. An assessment of water availability has been completed, a copy of which is in the file. This assessment compared a calculation of natural streamflow minus the consumptive portion of all relevant rights of record. The assessment determined water is not available for further appropriation (at 80 percent exceedance probability) because water has been fully appropriated by senior water rights. However, pursuant to a settlement agreement entered into by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, and Douglas County, seven (7) cubic feet per second (CFS) of additional water is available for human consumption, domestic, domestic expanded, industrial, commercial, irrigation, and agricultural use. As of the date of this application, 0.92 CFS of the total 4.0 CFS for human consumption, domestic, or domestic use expanded has been appropriated.
5. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 0.01 CFS from North Umpqua River, a tributary of Umpqua River, for domestic use expanded for one household is allowable during the full period requested, year-round.

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.

Additional Information Required:

Additional information will be required prior to issuance of any Proposed Final Order that may recommend approval. The application states you do not currently own the land where you propose to divert, transport, and use water. Please provide the following:

- The legal description of the property from which the water is to be diverted, any property crossed by the proposed ditch, canal or other work, and any property on which the water is to be used as depicted on the map. A legal description is a description of a specific parcel of real estate which often uses one of the following methods; government survey metes and bounds, aliquot parts, subdivision block and lot numbers, or a combination of these. It is often found on a deed, land sales contract, or title insurance policy.

You submitted the legal description for Tax Lot 3400, where you propose to use the water. However, please submit the legal descriptions for the following tax lots that were not included in the application materials submitted: Tax Lot 3100, 3200, 3300, and 3800.

Please submit this information no later than December 2, 2010. If you are unable to submit the information listed above, 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.

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, November 12, 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. The Director may require the permittee to install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. If the Director notifies the permittee to install a totalizing flow meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device.
 - B. 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.
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 503-986-0816 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,

A handwritten signature in black ink that reads "K Kavanagh". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87656
WAB 16-71174
POU 16-71174
GW

APPLICATION FACT SHEET

Application File Number: S-87656

Applicant: GARY LEE KLOPFENSTEIN

County: Douglas

Watermaster: 15

Priority Date: October 4, 2010

Source: NORTH UMPQUA RIVER, A TRIBUTARY OF UMPQUA RIVER

Use: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD

Quantity: 0.01 CUBIC FOOT PER SECOND

Basin Name & Number: Umpqua, #16

Stream Index Reference: Volume 2A N UMPQUA R

Point of Diversion Location: SESW SECTION 27, T26S, R6W, W.M.; 1640 FEET SOUTH AND 635 FEET WEST FROM C1/4 CORNER, SECTION 27

Place of Use:

NE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 27
TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 12, 2010

PUBLIC NOTICE DATE: Tuesday, November 2, 2010

30 DAY COMMENT DEADLINE DATE: Thursday, December 2, 2010

Mailing List for IR Copies

Application #S-87656

IR Date: October 29, 2010

Original mailed to applicant:

GARY LEE KLOPFENSTEIN
2429 SE CHINABERRY AVE
ROSEBURG, OR 97470

Copies sent to:

1. WRD - File # S-87656
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 15
4. ODFW: Pete Baki
5. DEQ: David Waltz

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. R. Scott Williams, 483 Cherokee Avenue, Roseburg, OR 97471
9. Stonebrook Homeowners Association, c/o R. Scott Williams,
483 Cherokee Avenue, Roseburg, OR 97471
10. David & Carol Zientara, 2367 Rollie Loop, Eugene, OR 97495

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

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

Caseworker: Kerry Kavanagh

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