



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**

PHYLLIS BUTCHER
C/O PHIL E. MOREY
176 NEHALEM LOOP
ROSEBURG, OR 97471

December 3, 2010

Reference: File S-87665

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 requested the use of 0.005 cubic foot per second (CFS) of water from Calapooya Creek, a tributary of Umpqua River, for year-round human consumption 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 Calapooya Creek, a tributary of Umpqua River for human consumption is allowable under the Umpqua Basin Program.
4. Information obtained from the Department of Environmental Quality (DEQ) indicates that the source of water identified in your application is "Water Quality Limited", which means that there are water quality concerns. DEQ will be looking at information from your application to see if additional conditions or restrictions are needed to protect the water quality situation. One possible outcome is that the Water Resources Department will propose in the proposed final order that your application be denied. You are encouraged to contact **Ranei Nomura at 541-686-7797**, at DEQ to discuss the specifics of your application. Often, this information exchange can allow the water use to occur and at the same time keep the water-quality situation from worsening.
5. Surface water is not available during the period July through November. However, by providing additional information as described below, the use may be allowed. Please refer to the **Additional Information Required** section below for details.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 0.005 CFS of water, from Calapooya Creek, a tributary of Umpqua River, for human consumption use (indoor use only: cooking, drinking and sanitation) is not allowable during the full period requested, year-round.

However, by providing the additional information required in the Application Supplement for Human Consumption & Livestock Uses, the use of 0.005 CFS of water, from Calapooya Creek, a tributary of Umpqua River, for human consumption use (indoor use only: cooking, drinking and sanitation), further limited to 500 GPD, may be allowed. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Required

Due to requirements for existing water rights and/or minimum flows in a scenic waterway, water is not available in sufficient quantities to support the proposed use. However, human consumption of water (indoor use only: cooking, drinking and sanitation) from the proposed source may be considered a high public interest use if there is no reasonable alternative. If you can provide evidence that this is the case, we will work with the Oregon Department of Fish and Wildlife and the Oregon Department of Environmental Quality to attempt to determine conditions which will protect instream values during the months when instream flow requirements are not met. These conditions may include mitigation measures to offset the impact of the requested use.

* Please complete and return the attached "Application Supplement for Human Consumption & Livestock Uses" form. **Please submit the information no later than Thursday, January 6, 2011.** 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 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.

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, December 17, 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 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.

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 503-986-0853 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: Michele McAleer, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Michele McAleer
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form
Application Supplement for Human Consumption & Livestock Uses

APPLICATION FACT SHEET

Application File Number: S-87665

Applicant: PHYLLIS BUTCHER , BY PHIL E. MOREY, PERSONAL REPRESENTATIVE OF THE WILL AND ESTATE OF THE DECEDENT (PHYLLIS J. BUTCHER)

County: DOUGLAS

Watermaster: 15

Priority Date: NOVEMBER 9, 2010

Source: CALAPOOYA CREEK, A TRIBUTARY OF UMPQUA RIVER

Use: HUMAN CONSUMPTION

Quantity: 0.005 CUBIC FOOT PER SECOND

Basin Name & Number: Umpqua, #16

Stream Index Reference: Volume 1B CALAPOOYA CR MISC

Point of Diversion: NWSE, SECTION 9, T25S, R4W, W.M.; 2180 FEET NORTH AND 1410 FEET WEST FROM SE CORNER, SECTION 9

Place of Use:

NE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 9
TOWNSHIP 25 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 17, 2010

PUBLIC NOTICE DATE: Tuesday, December 7, 2010

30 DAY COMMENT DEADLINE DATE: Thursday, January 6, 2011

Mailing List for IR Copies

Application #S-87665

IR Date: December 3, 2010

Original mailed to applicant:

PHYLLIS BUTCHER , C/O PHIL E. MOREY, 176 NEHALEM LOOP, ROSEBURG, OR 97471

Copies sent to:

1. WRD - File # S-87665
2. WRD - Water Availability: Ken Stahr

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
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IR, Map, and Fact Sheet Copies sent VIA E-MAIL to:

3. WRD - Regional Manager: SW
4. WRD - Watermaster # 15 (include Division 33 form)
5. ODFW: Pete Baki (include Division 33 form)
6. DEQ: David Waltz (include Division 33 form)

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

Copies sent to Other Interested Persons VIA E-MAIL (CWRE, Agent, Commenter, etc.)

7. Kelly Forney, **VIA E-MAIL ONLY** at: KELLYFORNEY@DCWISP.NET (REMAX Professional Realty, 2955 NW Edenhower Blvd, Roseburg, OR 97471).

Caseworker: Michele McAleer

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