



# 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**

MILES WILSON  
106 QUARRY CREST CIRCLE  
SAN MARCOS, TX 78666

February 4, 2011

Reference: File S-87672

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 5.0 gallons per minute, or 0.01 cubic foot per second (CFS), of water from McKenzie 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 the McKenzie River, a tributary of Willamette River, for domestic use expanded for one household is allowable under the Willamette Basin Program.
4. Surface water from McKenzie River is available year round.
6. 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 of water from McKenzie River, a tributary of Willamette River, for year-round domestic use expanded for one household is allowable.**

**Additional Information Required:**

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Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend permit approval. Please provide the following:

- Documentation that demonstrates the proposed use complies with the local acknowledged comprehensive land-use plan, or that you are actively pursuing approval from the Lane County Planning Department. The Receipt for Request for Land Use Information submitted with the application does not indicate whether the proposed use is allowed outright or requires conditional land use approval. If you demonstrate you are pursuing land use 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 the relevant planning jurisdiction that either 1) the proposed use is allowed outright or 2) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

**Please submit this information no later than Thursday, March 10, 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 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.

Because of the Department's determination, your application can be moved 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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

**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, February 18, 2011**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

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](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-87672  
WAB 2-528-live flow  
POU 2-528-live flow

# APPLICATION FACT SHEET

Application File Number: S-87672

Applicant: MILES WILSON

County: Lane

Watermaster: 2

Priority Date: December 29, 2010

Source: MCKENZIE RIVER, A TRIBUTARY OF WILLAMETTE RIVER

Use: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD

Quantity: 0.01 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 2 MCKENZIE R

Point of Diversion Location: SWSW, SECTION 21, T17S, R2W, W.M.; 450 FEET NORTH AND 785 FEET EAST FROM SW CORNER, SECTION 21

Place of Use:

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 21  
TOWNSHIP 17 SOUTH, RANGE 2 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 18, 2011**

**PUBLIC NOTICE DATE: Tuesday, February 8, 2011**

**30 DAY COMMENT DEADLINE DATE: Thursday, March 10, 2011**

# Mailing List for IR Copies

Application #S-87672

IR Date : February 4, 2011

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**Original mailed to applicant:**

MILES WILSON  
106 QUARRY CREST CIRCLE  
SAN MARCOS, TX 78666

Copies sent to:

1. WRD - File # S-87672
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent VIA E-MAIL to:

3. WRD -Watermaster # 2
4. ODFW: Jeff Ziller (cc: Kelly Reis)
5. DEQ: Chris Bayham

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

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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Caseworker: Kerry Kavanagh

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