



# 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

EUGENE WATER AND ELECTRIC BOARD  
PO BOX 10148  
EUGENE, OR 97440-2148

February 17, 2011

Reference: File S-87675

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 30.9 cubic feet per second (CFS) of water from Willamette River, a tributary of Columbia River, for year-round municipal uses.

The Department understands the applicant's intention is to duplicate its unadjudicated pre-1909 surface water registration (Claim SW-354) for 30.9 CFS from the Willamette River, and is not requesting to increase the combined maximum authorized rate under its existing water rights, being 300.08 CFS from water rights originating under Applications G-15857, S-10168, S-22037, and S-35037.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Willamette River, a tributary of Columbia River, for municipal uses is allowable only November 1 through June 30 under the Willamette Basin Program (OAR 690-502-0050(1)(d)).

Under ORS 536.295, a basin-program exception may be requested, and *may* be allowed if the water use meets one or more of the following:

- (a) Will be of short duration during each year;
- (b) Will be for a continuous period of no longer than five years;
- (c) Is largely nonconsumptive in nature and not likely to be regulated for other water rights;
- (d) Is necessary to ensure public health, welfare and safety;
- (e) Is necessary to avoid extreme hardship;
- (f) Will provide a public benefit such as riparian or watershed improvement.

If you wish to request a basin program exception, please indicate the qualifying criterion under ORS 536.295 and provide justification for the Department to evaluate, and submit \$500 per ORS 536.050(1)(z).

4. Surface water is not available during the period February 1 through November 30 of each year.

### Summary of Allowable Water Use

**Because not all items above are favorable, the use of 30.9 CFS of water from Willamette River, a tributary of Columbia River, for year-round municipal uses is not allowable, and it appears unlikely that you will be issued a permit unless a basin program exception is granted and a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order. At this time, you must decide whether to proceed or to withdraw your application as described below.**

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.

#### 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 **Thursday, March 3, 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. 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 diverted each month, and shall submit a report which includes the recorded report 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. The use of water under this permit or subsequent certificate(s), in combination with the water rights originating under Applications G-15857, S-10168, S-22037, and S-35037 shall not exceed a total of 300.08 cubic feet per second.
3. Completion of construction and application of the water shall be made within 20 years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
4. 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 503-986-0859 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: Jeana Eastman, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Jeana Eastman  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87675  
WAB 2-185  
POU 2-185  
GW

# APPLICATION FACT SHEET

Application File Number: S-87675

Applicant: EUGENE WATER AND ELECTRIC BOARD

County: Lane

Watermaster: 2

Priority Date: January 3, 2011

Source: WILLAMETTE RIVER, A TRIBUTARY OF COLUMBIA RIVER

Use: MUNICIPAL USES

Quantity: 30.9 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 WILLAMETTE R & TRIBS

Point of Diversion (POD):

POD 1: NESE, SECTION 30, T17S, R3W, W.M.; 1710 FEET NORTH AND 555 FEET WEST FROM SE CORNER, SECTION 30

POD 2: NWNW, SECTION 32, T17S, R3W, W.M.; 843 FEET SOUTH AND 1123 FEET EAST FROM NW CORNER, HILYARD SHAW DLC 56

Place of Use: WITHIN THE SERVICE BOUNDARY OF EUGENE WATER AND ELECTRIC BOARD

**14 DAY STOP PROCESSING DEADLINE DATE: Thursday, March 3, 2011**

**PUBLIC NOTICE DATE: Tuesday, February 22, 2011**

**30 DAY COMMENT DEADLINE DATE: Thursday, March 24, 2011**

# Mailing List for IR Copies

Application #S-87675

IR Date: February 17, 2011

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## Original mailed to applicant:

EUGENE WATER AND ELECTRIC BOARD, PO BOX 10148, EUGENE, OR 97440-2148

## Copies sent to:

1. WRD - File # S-87675
2. WRD - Water Availability: Ken Stahr

## VIA EMAIL

3. WRD - Watermaster # 2
4. ODFW:
5. DEQ:

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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## IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

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

1. Sussman, Adam

GSI Water Solutions, 1600 Western Blvd., Ste 240, Corvallis OR 97333

Caseworker: Jeana Eastman

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