



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

JANETTE MAJORS
PO BOX 681
ASHLAND, OR 97520

June 23, 2011

Reference: File S-87720

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 0.005 cubic foot per second (CFS) from Applegate River, a tributary of Rogue River, for year-round human consumption use for one household.

The application also proposed the appropriation of 22.5 acre feet (AF) from Applegate Reservoir, constructed under Permit R-7810, tributary of Applegate River, for irrigation of 5.0 acres April 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 Applegate River, a tributary of Rogue River, for domestic use, which includes human consumption (cooking, drinking, and sanitation), is allowable under the Rogue Basin Program.
4. Surface water from Applegate River is not available at any time of the year.
5. 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.
6. Stored water in the amount of 22.5 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. The proposed use is located above the Rogue Scenic Waterway, as designated under Oregon Revised Statute (ORS) 390.826(9).

8. Prior to the issuance of a permit, the Department must receive documentation that the proposed use complies with the local acknowledged comprehensive land-use plan. Please submit documentation from the relevant planning jurisdiction that either a) the proposed use is allowed outright or b) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

Summary of Initial Determinations

The use of 0.005 CFS from Applegate River, tributary to Rogue River, for human consumption use for one household is not allowable.

The use of 22.5 AF from Applegate Reservoir, constructed under Permit R-7810, a tributary of Applegate River, for irrigation of 5.0 acres is allowable from April 1 through October 31, contingent upon submittal of a valid contract with the Bureau of Reclamation.

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. However, due to #4 above, your application will likely be limited accordingly.

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 **Thursday, July 7, 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 allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted, 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.
 - 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. **XXXX**, or a satisfactory replacement, between the Bureau of Reclamation and the permittee, 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

APPLICATION FACT SHEET

Application File Number: S-87720

Applicant: JANETTE MAJORS

County: Jackson

Watermaster: 13

Priority Date: May 9, 2011

Source: APPLGATE RIVER, A TRIBUTARY OF ROGUE RIVER; APPLGATE RESERVOIR, A TRIBUTARY OF APPLGATE RIVER

Use: HUMAN CONSUMPTION FOR ONE HOUSEHOLD; IRRIGATION OF 5.0 ACRES

Quantity: 0.005 CUBIC FOOT PER SECOND FOR HUMAN CONSUMPTION; 22.5 ACRE FEET FOR IRRIGATION OF 5.0 ACRES

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 6 APPLGATE R

Point of Diversion/Re-diversion Location: NESW, SECTION 19, T40S, R3W, W.M.; 1497 FEET NORTH AND 1752 FEET EAST FROM SW CORNER, SECTION 19

Place of Use:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 ACRES IRRIGATION AND HUMAN CONSUMPTION
SECTION 19
TOWNSHIP 40 SOUTH, RANGE 3 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Thursday, July 7, 2011

PUBLIC NOTICE DATE: Tuesday, June 28, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, July 28, 2011

Mailing List for IR Copies

Application #S-87720

IR Date : June 23, 2011

Original mailed to applicant:

JANETTE MAJORS
PO BOX 681
ASHLAND, OR 97520

Copies sent to:

1. WRD - File # S-87720
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 13
4. ODFW:
5. DEQ:

IR, Map, and Fact Sheet Copies sent to:

6. WRD - Regional Manager (not SCR): SW
7. Department of Agriculture
8. State Parks

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>

Caseworker: Kerry Kavanagh

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