



Oregon

John A. Kitzhaber, MD, 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

FOREST EDGE INVESTMENTS LLC
ATTENTION: DYLAN BLODGETT
PO BOX 407
WINCHESTER, OR 97495

August 19, 2011

Reference: File S-87741

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) of water from Buckhorn Creek, a tributary of Little 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 Buckhorn Creek, a tributary of Little River, for domestic use, which includes human consumption use (cooking, drinking, and sanitation), is allowable under the Umpqua Basin Program.
4. Surface water is not available in the amount requested during the period June 1 through December 31.
5. 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, limited to 500 gallons per day per household) from the proposed source may be considered a high public interest use if there is no reasonable alternative. Because you have provided evidence that this is the case, we will work with the Oregon Department of Fish and Wildlife 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.
6. The application is subject to Section 4(d) of the Endangered Species Act.
7. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 0.005 CFS of water from Buckhorn Creek, a tributary of Little River, for year-round human consumption use for one household is not allowable, and it appears unlikely that you will be issued a permit. However, because you have provided evidence that there is no reasonable alternative, we will work with the Oregon Department of Fish and Wildlife to attempt to determine conditions which will protect instream values during months when instream flow requirements are not met. Thus, at the next stage of the application process, the Department may find that the proposed use is in the public interest and allow the full season requested.

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 **Friday, September 2, 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 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. 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,



Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87741
WAB 16-71184
POU 16-71184

APPLICATION FACT SHEET

Application File Number: S-87741

Applicant: FOREST EDGE INVESTMENTS LLC; ATTENTION: DYLAN BLODGETT

County: Douglas

Watermaster: 15

Priority Date: July 29, 2011

Source: BUCKHORN CREEK, A TRIBUTARY OF LITTLE RIVER

Use: HUMAN CONSUMPTION USE FOR ONE HOUSEHOLD

Quantity: 0.005 CUBIC FOOT PER SECOND

Basin Name & Number: Umpqua, #16

Stream Index Reference: Volume 2B LITTLE R MISC

Point of Diversion Location: NENE, SECTION 1, T27S, R4W, W.M.; 282 FEET SOUTH AND 485 FEET WEST FROM NE CORNER, SECTION 1

Place of Use:

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

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 2, 2011

PUBLIC NOTICE DATE: Tuesday, August 23, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, September 22, 2011

Mailing List for IR Copies

Application #S-87741

IR Date: August 19, 2011

Original mailed to applicant:

FOREST EDGE INVESTMENTS LLC
ATTENTION: DYLAN BLODGETT
PO BOX 407
WINCHESTER, OR 97495

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
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Copies sent to:

1. WRD - File # S-87741
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 15
4. ODFW:
5. DEQ:

IR, Map, and Fact Sheet Copies sent to:

6. WRD - Regional Manager: SW
7. Department of Agriculture
8. NOAA Fisheries, Kim Kratz, Northwest Fisheries Science Center, 2725 Montlake Blvd E, Seattle, WA 98112
9. USFWS Roseburg Field Office, Attn: Jim Thrailkill, Field Supervisor, 2900 N.W. Stewart Parkway, Roseburg, Oregon 97471

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

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

Caseworker: Kerry Kavanagh

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