



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

August 19, 2011

JOHN AND DONNA ATKINSON
2823 NW KLINE
ROSEBURG, OR 97470

BUREAU OF LAND MANAGEMENT
28910 HWY 20 W
HINES, OR 97738

Reference: File S-87736

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 0.02 cubic foot per second (CFS), being 0.01 CFS from Barrel Springs, a tributary to Summit Creek, and 0.01 CFS from Summit Creek, a tributary of Tudor Lake, for livestock use 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 Barrel Springs, a tributary to Summit Creek, and from Summit Creek, a tributary of Tudor Lake, for livestock is allowable under the Malheur Lake Basin Program.
4. Surface water is available in the amount and for the full period requested.

Summary of Initial Determinations

The use of 0.02 CFS, being 0.01 CFS from Barrel Springs, a tributary to Summit Creek, and 0.01 CFS from Summit Creek, a tributary of Tudor Lake, for livestock use is allowable during the full period requested, April 1 through October 31.

Because of these favorable determinations, the Department can now move your application 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.

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.

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.

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 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.
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. Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed the equivalent of 0.10 cubic feet per second per 1000 head of livestock.

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-87736
WAB - no wab
POU - no wab
GW

APPLICATION FACT SHEET

Application File Number: S-87736

Applicant: JOHN AND DONNA ATKINSON AND BUREAU OF LAND MANAGEMENT

County: WASCO

Watermaster: LIVESTOCK

Priority Date: JULY 7, 2011

Source: BARREL SPRINGS, A TRIBUTARY OF SUMMIT CREEK; SUMMIT CREEK, A TRIBUTARY OF TUDOR LAKE

Use: LIVESTOCK

Quantity: 0.02 CUBIC FOOT PER SECOND (CFS); BEING 0.01 CFS FROM BARREL SPRINGS AND 0.01 CFS FROM SUMMIT CREEK

Basin Name & Number: MALHEUR LAKE 12

Stream Index Reference: Volume 1A MANN L & MISC

Point of Diversion Locations:

BARREL SPRINGS - SWSW, SECTION 16, T31S, R35E, W.M.; 754 FEET NORTH FROM SW CORNER, SECTION 16

SUMMIT CREEK - NWNE, SECTION 30, T31S, R35E, W.M.; 545 FEET SOUTH AND 2302 FEET WEST FROM NE CORNER, SECTION 30

Place of Use:

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 16

NW $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 30

TOWNSHIP 31 SOUTH, RANGE 35 EAST, 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-87736

IR Date: August 19, 2011

Original mailed to applicant:

JOHN AND DONNA ATKINSON
2823 NW KLINE
ROSEBURG, OR 97470

BUREAU OF LAND MANAGEMENT
28910 HWY 20 W
HINES, OR 97738

Copies sent to:

1. WRD - File # S-87736
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 10
4. ODFW:
5. DEQ:

IR, Map, and Fact Sheet Copies sent to:

6. WRD - Regional Manager: EASTERN
7. Department of Agriculture

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

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

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

Caseworker: Kerry Kavanagh

COPYSHT.IR