



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

LARRY BLAKESLEE
PO BOX 366
MONUMENT, OR 97864

September 2, 2011

Reference: File S-87629

Dear Mr. Blakeslee:

**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 10.0 gallons per minute, or 0.02 cubic foot per second (CFS), of water from a spring, tributary to North Fork John Day River, being 0.01 CFS for domestic use expanded for one household year round, and 0.01 CFS year round for livestock use.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from a spring, tributary to North Fork John Day River, for domestic and livestock use is allowable under the John Day Basin Program.
4. Surface water is not available during the period June through March.
5. The application is subject to Section 4(d) of the Endangered Species Act.
6. The proposed use is located above the John Day Scenic Waterway, as designated under Oregon Revised Statute 390.826.
7. Surface water is not available in the amount requested during the entire period requested. However, by providing additional information you may request a limited permit for human consumption use (indoor use only: cooking, drinking, and sanitation), limited to 500 gallons per day, and livestock use. Please refer to the **Additional Information Opportunity** section below for details.

Summary of Initial Determinations

Because not all items above are favorable, the use of 0.02 CFS of water from a spring, tributary to North Fork John Day River, being 0.01 CFS for year round domestic use expanded for one household and 0.01 CFS for year round livestock use is not allowable, and it appears unlikely that you will be issued a permit.

However, by providing additional information you may request a limited permit for human consumption use (indoor use only: cooking, drinking, sanitation), further limited to 500 gallons per day, and 0.01 CFS for livestock use. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Opportunity

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) from the proposed source may be considered a high public interest use if there is no reasonable alternative. If you can provide 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.

Please complete and return the attached "Application Supplement for Human Consumption & Livestock Uses" form. **Please submit the information no later than Thursday, October 2, 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 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.

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, September 16, 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.
 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.

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 503-986-0853 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: Michele McAleer, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Michele McAleer
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

APPLICATION FACT SHEET

Application File Number: S-87629

Applicant: LARRY BLAKESLEE

County: Grant

Watermaster: 4

Priority Date: JUNE 3, 2010

Source: A SPRING, TRIBUTARY TO NORTH FORK JOHN DAY RIVER

Use: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD AND LIVESTOCK USE

Quantity: 0.02 CUBIC FOOT PER SECOND

Basin Name & Number: John Day, #6

Stream Index Reference: Volume 2 N FK JOHN DAY MISC

Point of Diversion(s): NWNW, SECTION 3, T9S, R27E, W.M.; 1080 FEET NORTH AND 710 FEET EAST FROM W1/4 CORNER, SECTION 3

Place of Use:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ DOMESTIC USE EXPANDED
SW $\frac{1}{4}$ NW $\frac{1}{4}$ LIVESTOCK
SECTION 3
TOWNSHIP 9 SOUTH, RANGE 27 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 16, 2011

PUBLIC NOTICE DATE: Tuesday, September 6, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, October 2, 2011

Mailing List for IR Copies

Application #S-87629

IR Date: September 2, 2011

Original mailed to applicant:

LARRY BLAKESLEE , PO BOX 366, MONUMENT, OR 97864

Copies sent to:

1. WRD - File # S-87629
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent via e-mail to:

3. WRD - Watermaster # 4 (include Division 33 form)
4. ODFW: Jeff Neal *and* Brent Smith (include Division 33 form)
5. DEQ: Duane Smith (include Division 33 form)

IR, Map, and Fact Sheet Copies sent to:

6. WRD - Regional Manager: NC
7. Department of Agriculture
8. Columbia River Intertribal Fish Commission, Julie Carter,
729 NE Oregon St, Ste 200, Portland OR 97232
9. US Fish & Wildlife Service, Gary Miller, 3502 Hwy 30, La Grande, OR 97850
10. NW Power Planning Council, Fish & Wildlife Division, Karl Weist
851 SW Sixth Ave, Ste 1020, Portland OR 97204
11. Confederated Tribes of the Umatilla Indian Reservation, Carl Merkle or Jennifer Hudson
Nixyaawii Governance Center, 46411 Timine Way, Pendleton OR 97801
12. National Marine Fisheries Service, Spencer Hovekamp
3502 Hwy 30, La Grande, OR 97850

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

13. Susan L. Pugh, PO Box 7, Canyon City, OR 97820

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

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
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Caseworker: Michele McAleer

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