



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

November 4, 2011

NANCY DUNCAN
928 CLEVELAND LOOP DR
ROSEBURG, OR 97471

Reference: File S-87760

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 an unnamed stream, a tributary of Clarks Branch, at 0.01 cubic foot per second (CFS) for domestic use expanded for one household December 1 through June 30, and 0.005 CFS for human consumption for one household July 1 through November 30.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from an unnamed stream, a tributary of Clarks Branch, for domestic use expanded and human consumption is allowable under the Umpqua Basin Program.
4. Surface water is not available during the period July 1 through November 30 of each year due to requirements for existing water rights and/or minimum flows in a scenic waterway. 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.

The application included information intending to document that no alternate water source is available, and that denial of the permit would cause loss of reasonable expectation for use of the property. The Department will consider this information and 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. If this can be achieved, the Department may recommend approval of 0.005 CFS, further limited to 500 gallons per day, for human consumption use (indoor use only: cooking, drinking, sanitation) at the next step in processing.

Summary of Allowable Water Use

Because not all items above are favorable, the use of an unnamed stream, a tributary of Clarks Branch, at 0.01 CFS for domestic use expanded for one household December 1 through June 30, and 0.005 CFS for human consumption for one household July 1 through November 30 is not allowable.

However, if conditions can be applied to protect instream values, the Department may recommend approval of the application for year-round human consumption use (indoor use only: cooking, drinking, sanitation) at a rate of 0.005 CFS, further limited to 500 gallons per day.

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 **Friday, November 18, 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. 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 503-986-0859 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-87760
WAB 16-31630218
POU 16-31630218
GW

APPLICATION FACT SHEET

Application File Number: S-87760

Applicant: NANCY DUNCAN

County: Douglas

Watermaster: 15

Priority Date: October 11, 2011

Source: UNNAMED STREAM, A TRIBUTARY OF CLARKS BRANCH

Use: DOMESTIC USE EXPANDED AND HUMAN CONSUMPTION FOR ONE HOUSEHOLD

Quantity: 0.01 CUBIC FOOT PER SECOND (CFS) FOR DOMESTIC USE EXPANDED, 0.005 CFS FOR HUMAN CONSUMPTION

Basin Name & Number: Umpqua, #16

Stream Index Reference: Volume 3A S UMPQUA R MISC

Point of Diversion or Well Location(s): SWSW, SECTION 31, T28S, R5W, W.M.;955 FEET NORTH AND 950 FEET EAST FROM SW CORNER, SECTION 31

Place of Use:

SE ¼ SW ¼
SECTION 31
TOWNSHIP 28 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 18, 2011

PUBLIC NOTICE DATE: Tuesday, November 8, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, December 8, 2011

Mailing List for IR Copies

Application #S-87760

IR Date: November 4, 2011

Original mailed to applicant:

NANCY DUNCAN , 928 CLEVELAND LOOP DR, ROSEBURG, OR 97471

Copies sent to:

1. WRD - File # S-87760
2. WRD - Water Availability: Ken Stahr

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

VIA EMAIL:

3. WRD - Watermaster # 15 (include Division 33 form)
4. ODFW: (include Division 33 form)
5. DEQ: (include Division 33 form)

IR, Map, and Fact Sheet Copies sent to:

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

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

1. Jim Thrailkill, Field Supervisor, USFWS, Roseburg Field Office

2900 N.W. Stewart Parkway, Roseburg, Oregon 97471

2. Kim Kratz, Director, Oregon State Habitat Office

National Marine Fisheries Service, 1201 NE Lloyd Blvd, Portland OR 97232