



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

**CERTIFIED MAIL
Return Receipt Requested**

DAVID A STRAUS
2217 DELLWOOD
MEDFORD, OR 97504

February 17, 2012

Reference: File S-87781

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 an 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 1.0 cubic foot per second (CFS) from Rogue River, a tributary of Pacific Ocean, for year-round group domestic use for 8 households.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Rogue River, a tributary of Pacific Ocean, for year-round group domestic use is allowable under the Rogue Basin Program.
4. Surface water is not available at any time of year. However, by providing additional information you may request a limited permit for human consumption use (indoor use only: cooking, drinking, and sanitation), at 0.01 CFS, further limited to 500 gallons per day per household. The 0.01 CFS is based on the Department's standard allowable rate for human consumption for up for 10 households. Please refer to the **Additional Information Opportunity** section below for details.
5. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.
6. The proposed use is located above the Rogue River Scenic Waterway, as designated under Oregon Revised Statute 390.826.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 1.0 CFS of water from Rogue River, a tributary of Pacific Ocean, for year-round group domestic use for 8 households 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), at 0.01 CFS, further limited to 500 gallons per day per household. 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, March 22, 2012.** 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.

Additional Information Required

The other landowners have not provided explicit authorization for David Straus to act on their behalf with regard to this application. Please provide a signed statement from each individual indicating such, if that is their wish. If it’s not, the other landowner(s) may provide a signed statement that they want to be listed as an applicant and will act on their own behalf with regard to this application.

Please submit this information no later than Thursday, March 22, 2012. 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 more 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.

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, March 2, 2012**. 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.

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,

A handwritten signature in black ink, appearing to read 'Jeana Eastman'.

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87781
WAB 15-272
POU 15-272
GW

APPLICATION FACT SHEET

Application File Number: S-87781

Applicant: DAVID A STRAUS

County: Jackson

Watermaster: 13

Priority Date: January 23, 2012

Source: ROGUE RIVER, A TRIBUTARY OF PACIFIC OCEAN

Use: GROUP DOMESTIC USE FOR 8 HOUSEHOLDS

Quantity: 1.0 CUBIC FOOT PER SECOND

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 1A ROGUE R MISC

Points of Diversion (POD):

POD 1: SENE, SECTION 4, T31S, R3E, W.M.;SOUTH 10 DEGREES 30 MINUTES WEST, 1870 FEET FROM NE CORNER, SECTION 4

POD 2: SENE, SECTION 4, T31S, R3E, W.M.;SOUTH 9 DEGREES 30 MINUTES WEST, 1600 FEET FROM NE CORNER, SECTION 4

POD 3: NESW, SECTION 34, T30S, R3E, W.M.;NORTH 54 DEGREES 30 MINUTES EAST, 3250 FEET FROM SW CORNER, SECTION 34

POD 4: NWSE, SECTION 34, T30S, R3E, W.M.;NORTH 58 DEGREES 40 MINUTES EAST, 3450 FEET FROM SW CORNER, SECTION 34

POD 5: SWSE, SECTION 34, T30S, R3E, W.M.;NORTH 82 DEGREES ZERO MINUTES EAST, 3730 FEET FROM SW CORNER, SECTION 34

POD 6: SWSE, SECTION 34, T30S, R3E, W.M.;NORTH 72 DEGREES ZERO MINUTES EAST, 3750 FEET FROM SW CORNER, SECTION 34

Place of Use:

NE ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 34
TOWNSHIP 30 SOUTH, RANGE 3 EAST, W.M.

(Place of Use continued):

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 3

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 4

TOWNSHIP 31 SOUTH, RANGE 3 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 2, 2012

PUBLIC NOTICE DATE: Tuesday, February 21, 2012

30 DAY COMMENT DEADLINE DATE: Thursday, March 22, 2012

Mailing List for IR Copies

Application #S-87781

IR Date: February 17, 2012

Original mailed to applicant:

DAVID A STRAUS , 2217 DELLWOOD, MEDFORD, OR 97504

Copies sent to:

1. WRD - File # S-87781
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager (not SCR): SW
4. WRD - Watermaster # 13

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>

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

1. James & Annis Henson, 2399 NW Hosmer Lake Dr, Bend OR 97701
2. Robert Bills, 486 Covey Ln, Eugene OR 97401
3. Robert & Anne King, 3436 Creek View Dr, Medford OR 97504
4. Mollie Thorniley, 10020 SE 37th Ave, Milwaukie OR 97222
5. Halbert S. Deuel, Jr., 3955 S Stage Rd, Apt 58, Medford OR 97501
6. Richard McLaughlin, 1423 Village Center Dr, Medford OR 97504
7. Ernest Friend, 743 NW 2nd St, Grants Pass OR 97526
8. USDA, Forest Service, High Cascade Ranger Dist, Att: Kerwin Dewberry
47201 Hwy 62, Prospect OR 97536
9. Rogue River National Forest, 3040 Biddle Rd, Medford OR 97501

Caseworker: Jeana Eastman

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