



# 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

December 20, 2013

**CERTIFIED MAIL  
Return Receipt Requested**

JACK K HANSON JR  
210 N AVENIDA MALAGA  
ANAHEIM, CA 92808

Reference: File S-87942

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 0.005 cubic foot per second (CFS) of water from Rogue River, a tributary of Pacific Ocean, for year-round human consumption use.
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 human consumption use is allowable under the Rogue Basin Program.
4. Surface water is not available in the amount requested during the entire period requested. However, you provided additional information for the Department to consider human consumption use (indoor use only: cooking, drinking, and sanitation), which would be limited to 500 gallons per day. 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. This information will be evaluated at the next step in the application process.
5. The proposed use is located above the Rogue Scenic Waterway, as designated under Oregon Revised Statute 390.826.
6. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

### Summary of Allowable Water Use

**Because not all items above are favorable, the use of 0.005 CFS of water from Rogue River, a tributary of Pacific Ocean, for human consumption use is not allowable, and it appears unlikely that you will be issued a permit, however if instream values can be protected, the Department may be able to issue a limited permit. At this time, you must decide whether to proceed or to withdraw your application as described below.**

#### Additional Information Required:

Although it is unlikely that a permit will be issued, if the Department's findings change, additional information will be required prior to issuance of any Proposed Final Order that may recommend permit approval.

Please provide documentation that demonstrates the proposed use complies with the local acknowledged comprehensive land-use plan, or that you are actively pursuing approval from the Josephine County Planning Department. The Land Use Information Form submitted with the application indicates you have not obtained approval, and you are not pursuing it. If you demonstrate you are pursuing it, the Department can continue to process the application and issue a Proposed Final Order and a Final Order even when land use approval has not been obtained. However, before a permit will be issued the Department must receive documentation from the relevant planning jurisdiction that either 1) the proposed use is allowed outright or 2) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

**Please submit this information no later than Thursday, January 23, 2014.** 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.

If we do not receive the item 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.

#### Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, January 3, 2014**. 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 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 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; provided however, where any meter 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](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: Kim French-Gorski, 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 cursive script, appearing to read "Kim French-Gorski".

Kim French-Gorski  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87942  
WAB 15-31531002  
POU 15-31531002  
GW

# APPLICATION FACT SHEET

Application File Number: S-87942

Applicant: JACK K HANSON JR

County: Josephine

Watermaster: 14

Priority Date: November 5, 2013

Source: ROGUE RIVER, A TRIBUTARY OF PACIFIC OCEAN

Use: HUMAN CONSUMPTION USE

Quantity: 0.005 CUBIC FOOT PER SECOND

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 1A ROGUE R MISC

Point of Diversion or Well Location(s): NWNW, SECTION 25, T35S, R7W, W.M.; 800 FEET NORTH AND 420 FEET WEST FROM NW 1/16 CORNER, SECTION 25

Place of Use:

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SECTION 25  
TOWNSHIP 35 SOUTH, RANGE 7 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 3, 2014**

**PUBLIC NOTICE DATE: Tuesday, December 24, 2013**

**30 DAY COMMENT DEADLINE DATE: Thursday, January 23, 2014**

# Mailing List for IR Copies

Application #S-87942

IR Date: December 20, 2013

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**Original mailed to applicant:**

JACK K HANSON JR , 210 N AVENIDA MALAGA, ANAHEIM, CA 92808

**SENT VIA EMAIL:**

1. Applicant - [thehans700@yahoo.com](mailto:thehans700@yahoo.com)
2. WRD - Watermaster # 14
3. ODFW
4. DEQ

**Copies sent to:**

1. WRD - File # S-87942
2. WRD - Water Availability: Shawn Turner

**IR, Map, and Fact Sheet Copies sent to:**

3. WRD - SW Regional Manager
4. Department of Agriculture

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

1. Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, OR 97504

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

1. Spero, Jonathan, CWRE #123, PO Box 16, Williams, OR 97544

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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Caseworker: Kim French-Gorski

VCOPYSHT.IR

**APPLICATION PROCESS DESCRIPTION FOR  
GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR  
APPLICATIONS**

In order to take and use the waters of Oregon, a citizen must first obtain a permit from the Water Resources Department. The water must be used for beneficial purpose - without waste. To become well-informed about water right topics, weekly public notice, forms and fees please visit our web site at [www.wrd.state.or.us](http://www.wrd.state.or.us)

**1. Pre-application considerations**

- follow instructions in the application packet
- if you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Information Group (WRIG) at 503-986-0801

**2. Application filing**

- application with fee is received by the Department
- Department determines completeness of application
- if use is not allowed by statute (ORS 538), the application and fees are returned to the applicant
- incomplete application and fees are returned to the applicant
- only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing

**3. Initial Review (IR)**

- caseworker reviews application by considering basin plans, water availability, statutory restrictions and all other appropriate factors
- caseworker sends IR report to applicant
- contact the caseworker if you have questions about the IR
- seven days after date of the IR, it is included in Department's weekly Public Notice
- public comments must be submitted within 30 days after the Public Notice
- **administrative hold** may be requested in writing by applicant

**4. Proposed Final Order (PFO)**

- caseworker evaluates application against required criteria and develops draft permit, if appropriate
- PFO includes instructions for filing of protests
- caseworker considers public comments and mails PFO to applicant
- the PFO is included in Department's weekly Public Notice
- public protests to the PFO must be submitted within 45 days after the Public Notice

**Stop Processing deadline is within 14 days of Initial Review - use the form below**

- applicant may request no further action and fee refund of all but \$225

**STOP PROCESSING REQUEST FOR  
GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS**

Applicant notification to withdraw Water Right Application # \_\_\_\_\_

After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$225 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application

Signature \_\_\_\_\_ date \_\_\_\_\_

Signature \_\_\_\_\_ date \_\_\_\_\_

*Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$225 examination fee) be returned.*

This notice must be received at Water Resources Department by \_\_\_\_\_

Return the notice to: OWRD, Water Rights Division

STOP PROCESSING

725 Summer Street, NE - Suite A

Salem OR 97301-1271

## 5. *Final Order (FO)*

- if no protest is filed, Final Order is issued

### *The protest process*

If one or more protests are filed, permit process consists of:

- settlement discussion
- contested case hearing
- proposed order
- period of time to file exceptions
- possible hearing by Water Resources Commission
- final order issued

### *Permit holder responsibilities*

- comply with all water use conditions of the permit
- advise Department of address change or assignment to new permit holder
- if need arises, request extension of time or authorize cancellation of permit
- submit timely claim of beneficial use (COBU) to Department
- most permits require COBU to be prepared by a Certified Water Right Examiner
- permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions