

ODFW Division 33 Application Work Sheet

Human Consumption Exception

Date: March 5, 2015

Application #: S- 88037

Applicant's Name: Consuelo Byrd

Background

The Water Resources Department is attempting to streamline the review of water right applications involving a human consumption exception under Division 33. Oregon statute and administrative rules (OAR 690-410-0070(2) and OAR 690-310-0260(2)) allow for a human consumption exception at 0.005 cubic foot per second when water is not available due to senior water rights and/or scenic waterway flows. Under certain circumstances the use may be allowed because human consumption can be considered a high public use if no reasonable alternatives are available, and the use is conditioned to protect instream values. The information required for an applicant to request an exception is:

- 1) demonstrate that there are no reasonable alternative sources; and
- 2) demonstrate that denial of the application would result in loss of reasonable expectations for use of the property

Department recommendation

If the applicant is able to meet the human consumption exception criteria described above, based on water availability, applicable basin rules, etc., the Department will likely recommend year-round human consumption use (see Initial Review for specific use/rate/season details).

Your Role

Do you concur with the likely Department recommendation described in the Initial Review? If not, what is your recommendation and why?

YES NO

Explain (use additional sheets if necessary):

The Oregon Department of Fish and Wildlife (ODFW) supports the Initial Review recommendation of denial for this proposed water right. The Rogue River supports populations of spring (state sensitive) and fall Chinook salmon, coho salmon (federally Threatened), summer (state sensitive) and winter steelhead, Pacific lamprey (state sensitive), and cutthroat trout. Additional water withdrawals at this location have the potential to negatively affect all of these species at some stage of their life history.

ODFW recommends the applicants irrigation right (cert. 37637) is transferred to satisfy part or all of the 0.005 cfs requested within this application. ODFW understands that the irrigation right will not satisfy the needs applied for outside of the irrigation season and recommends the 0.005 cfs of water applied for be approved for the time period outside of the irrigation season (November through March).

Additionally, if this application is approved, ODFW further recommends:

- Instream flow requirements on the Rogue River must be met.
- Federally threatened and state sensitive species are present at this point of diversion. Fish screening must be a requirement if this applicaion is approved.
- A restrictor valve (or similar device) must be installed and function correctly at the point of diversion.

- ODFW recommends staff from OWRD conduct site visits to Human Consumption water right holders to ensure water is being used for the approved use only.

Name/Signature: Peter Samarin  Date: March 5, 2015
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