

DEQ Division 33 Application Work Sheet — Human Consumption Exception

Date: 3/20/15

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 Environmental Quality (DEQ) supports the Initial Review recommendation of denial for this proposed water right. The Rogue River is water quality limited for temperature, dissolved oxygen, E. coli, and mercury. Additional water withdrawals at this location have the potential to negatively affect the listed water quality parameters.

DEQ recommends the applicants irrigation right (cert. 37637) is transferred to satisfy part or all of the 0.005 cfs requested within this application. DEQ understands that the irrigation right will not satisfy the needs applied for outside of the irrigation season and recommends that 500 gallons per day be approved for the time period outside of the irrigation season (November through March).

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

- Instream flow requirements on the Rogue River must be met.
- A restrictor valve (or similar device) must be installed and function correctly at the point of diversion.
- If the construction of the point of diversion impacts riparain vegetation, the applicant must restore riparain vegetation.
- Use of requested water must be limited to in-house use only.
- At such a time that a public water supply becomes available, the domestic water right shall be relinquished.

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

Name/Signature:  Heather Tugaw Date: 3/20/15

WRD Contact: Caseworker: Barbara Park Water Rights Division 503-986-0800 / Fax: 503-986-0901