

DEQ Division 33 Application Work Sheet — Human Consumption Exception

Date: 3/25/2015

Application #: S- 88049

Applicant's Name: David Leach

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 Department of Environmental Quality (DEQ) supports the Initial Review recommendation of approval for this water right application under the human consumption exception guidelines.

Even though this water right application is in the Willamette basin and is water quality limited for temperature, bacteria and mercury, there are no actual impairment listings for this tributary to Patterson Creek. Given this and the conditions described below DEQ does not believe that this right will lead to further degradation of water quality in the Patterson Creek drainage.

If this application is approved, DEQ recommends the following:

- A restrictor valve (or similar device) must be installed and function correctly at the point of diversion
- If construction at the point of diversion impacts riparian vegetation, the applicant must restore the riparian vegetation.
- Use of requested water must be for in-house use only.
- At such time that public water source becomes available, the domestic water right shall be relinquished.
- DEQ recommends that 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: Doug Drake Date: 3/25/2015

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