



**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 29, 2015

RICHARD TIENHAARA  
PO BOX 547  
JOSEPH, OR 97846

Reference: File S-88082

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 0.01 cubic foot per second (CFS) of water from Spring 1, a tributary of an unnamed stream, and Spring 2, a tributary of Jordan Creek, for year-round domestic use expanded for one household.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Spring 1, a tributary of an unnamed stream and Spring 2, a tributary of Jordan Creek, for domestic use is allowable under the South Coast Basin Program (OAR 690-517-0000).
4. Surface water is available in the amount and for the full period requested from Spring 1, a tributary of an unnamed stream.  
  
Surface water is **not available** at any time of year from Spring 2, a tributary of Jordan Creek.
5. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.

**Summary of Initial Determinations**

**The use of 0.01 CFS of water from Spring 1, a tributary of an unnamed stream, for year-round domestic use expanded for one household is allowable during the full period requested.**

**However, because not all items above are favorable, the use of 0.01 CFS of water from Spring 2, a tributary of Jordan Creek, for year-round domestic use expanded for one household is not allowable, and it appears unlikely that you will be issued a permit that will include use of water from Spring 2.**

**At this time, you must decide whether to proceed with use of water from only Spring 1, or to withdraw your application as described below.**

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.

To Proceed With Your Application:

If you choose to proceed with the application, you do not have to notify the Department. The 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.

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, June 12, 2015**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement devices, and recording/reporting of annual water use conditions:
  - A. The Director may require the permittee to install a totalizing flow meter at each point of diversion. If the Director notifies the permittee to install a measuring device, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order, and shall allow the watermaster access to the device.
  - B. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
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.

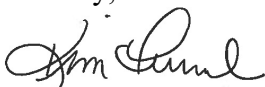
The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture

(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/programs/NaturalResources/Pages/AgWaterQuality.aspx> 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, 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".

Kim French  
Water Right Application Caseworker

enclosures:    Application Process Description and Stop Processing Request Form

S-88082  
WAB 17-70889  
POU 17-70889  
GW

# APPLICATION FACT SHEET

Application File Number: S-88082

Applicant: RICHARD TIENHAARA

County: Jackson

Watermaster: 19

Priority Date: May 7, 2015

Source: SPRING 1, A TRIBUTARY OF AN UNNAMED STREAM AND SPRING 2, A TRIBUTARY OF JORDAN CREEK

Use: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD

Quantity: 0.01 CUBIC FOOT PER SECOND

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 7 BASIN 15 MISC

Points of Diversion:

SPRING 1: NENW, SECTION 10, T41S, R13W, W.M.; 50 FEET SOUTH AND 1340 FEET EAST FROM NW CORNER, SECTION 10

SPRING 2: NENW, SECTION 10, T41S, R13W, W.M.; 60 FEET SOUTH AND 2567 FEET EAST FROM NW CORNER, SECTION 10

Place of Use:

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SECTION 10  
TOWNSHIP 41 SOUTH, RANGE 13 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 12, 2015**

**PUBLIC NOTICE DATE: Tuesday, June 2, 2015**

**30 DAY COMMENT DEADLINE DATE: Thursday, July 2, 2015**

# Mailing List for IR Copies

Application #S-88082

IR Date: May 29, 2015

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**Original and map mailed to applicant:**

RICHARD TIENHAARA, PO BOX 547, JOSEPH, OR 97846

**SENT VIA EMAIL:**

1. WRD - Watermaster # 19
2. ODFW
3. DEQ
4. Applicant - [tfi4@hotmail.com](mailto:tfi4@hotmail.com)

**Copies sent to:**

1. WRD - Water Availability: Shawn Ortiz-Turner

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

2. WRD - File # S-88082
3. WRD - Regional Manager: SWR
4. Department of Agriculture

Copies Mailed

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

Caseworker: Kim French

COPYSHT.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