



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

August 14, 2015

FREDERIC HOEFNAGEL  
BARBARA JUNE URE  
5292 LOST CREEK RD  
EAGLE POINT, OR 97524

Reference: File S-88113

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 the water-use permit application and to describe the 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 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 Lost Creek, a tributary of South Fork Little Butte Creek, for year-round human consumption use for one household.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The diversion of water from Lost Creek, a tributary of South Fork Little Butte Creek, for human consumption use for one household is allowable under the Rogue Basin Program (OAR 690-515-0010).
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 review process.

The application included information intending to document that no alternate water source is available, and that denial of the permit would cause loss of reasonable expectation for use of the property. The Department may recommend approval of 0.005 CFS, further limited to 500 gallons per day, for human consumption use (indoor use only: cooking, drinking, sanitation) at the next step in processing.

5. Prior to the issuance of a permit, the Department must receive documentation that the proposed use complies with the local acknowledged comprehensive land-use plan. Please submit documentation from the relevant planning jurisdiction that either a) the proposed use is allowed outright or b) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

### Summary of Allowable Water Use

**Because not all items above are favorable, the use of 0.005 CFS of water from Lost Creek, a tributary of South Fork Little Butte Creek for year-round human consumption use for one household is not allowable, and it appears unlikely that a permit will be issued.**

**However, if conditions can be applied to protect instream values, the Department may recommend approval of the application for year-round human consumption use (indoor use only: cooking, drinking, sanitation) at a rate of 0.005 CFS, further limited to 500 gallons per day per household, at the next stage of processing.**

At this time, you must decide whether to proceed or to withdraw the 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.

#### Withdrawal Refunds:

If you choose not to proceed, you may withdraw the application and receive a refund (minus a \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, August 28, 2015**. For your convenience you may use the enclosed "STOP PROCESSING" form.

#### To Proceed With The 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.

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

1. Measurement devices, and recording/reporting of annual water use 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 device in good working order.
  - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The permittee shall keep a complete record of the volume 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.

- 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

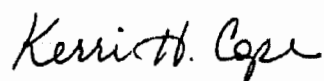
This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. Be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of the application.

The water source identified in the 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 503-986-0806 if you have any questions regarding the contents of this letter or the application. Please have the 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: Kerri H. Cope, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerri H. Cope  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-88113  
WAB 15-71008  
POU 15-71008  
GW

# APPLICATION FACT SHEET

Application File Number: S-88113

Applicant: FREDERIC HOEFNAGEL AND BARBARA JUNE URE

County: Jackson

Watermaster: 13

Priority Date: July 28, 2015

Source: LOST CREEK, A TRIBUTARY OF SOUTH FORK LITTLE BUTTE CREEK

Use: HUMAN CONSUMPTION USE FOR ONE HOUSEHOLD

Quantity: 0.005 CUBIC FOOT PER SECOND

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 2A LOST CR

Point of Diversion: SENE, SECTION 16, T37S, R2E, W.M.; 700 FEET NORTH AND 520 FEET WEST FROM E1/4 CORNER, SECTION 16

Place of Use:

SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SECTION 16  
TOWNSHIP 37 SOUTH, RANGE 2 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 28, 2015**

**PUBLIC NOTICE DATE: Tuesday, August 18, 2015**

**30 DAY COMMENT DEADLINE DATE: Thursday, September 17, 2015**