



# Oregon

John A. Kitzhaber, M.D., Governor

**Water Resources Department**

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

July 13, 1999

DAVID E BASHORE  
800 HAMMEL RD  
EAGLE POINT, OREGON 97524

( 0) - 0

Reference: File S-84124

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 favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit 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 proposed use is not prohibited by law or rule.
2. The use of water from EAGLE POINT IRRIGATION DISTRICT RUN OFF (WASTE WATER) APPROPRIATED FROM BIG BUTTE CREEK, A TRIBUTARY OF ROGUE RIVER for IRRIGATION OF 18.2 ACRES is **allowable** under OAR 690-515-001(1)(a), the Rogue Basin Program.
3. Water in the amount of 0.228 CUBIC FOOT PER SECOND for IRRIGATION OF 18.2 ACRES is **not available** at any time of the year from Big Butte Creek, however the proposed source of water is from Eagle Point Irrigation District run off and is not subject to water availability reports.

Summary of Initial Determinations

**The use of 0.228 CUBIC FOOT PER SECOND from EAGLE POINT IRRIGATION**

**DISTRICT RUN OFF (WASTE WATER) APPROPRIATED FROM BIG BUTTE CREEK, A TRIBUTARY OF ROGUE RIVER for IRRIGATION OF 18.2 ACRES is allowable from April 1 through October 31 of each year.**

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

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 your application, you do not have to notify the Department. Your 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 \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Tuesday, July 27, 1999**. 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, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used 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. The Director may provide an opportunity for the permittee to submit alternative 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.
3. You will be required to comply with state and federal water quality standards.
4. The priority date for this application is April 23, 1999.
5. This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be subsequently reduced.
6. The use of water shall be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the continuance of the waste water.

WARNING: 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 public comments 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.

Information obtained from the Department of Environmental Quality (DEQ) indicates that the source of water identified in your application is "Water Quality Limited". That means that there are water quality concerns. DEQ will be looking at information from your application to see if additional conditions or restrictions are needed to protect the water quality situation. One possible outcome is that the Water Resources Department will propose in the proposed final order that your application be denied. You are encouraged to contact Tom Rosetta, (503) 229-5053 at DEQ to discuss the specifics of your application. Often, this information exchange can allow the water use to occur and at the same time keep the water quality situation from worsening.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application

number available if you call. Address all other correspondence to: Water Rights Section, Oregon  
Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

Sincerely,

A handwritten signature in black ink, appearing to read 'Anita M. Huffman', with a long horizontal flourish extending to the right.

Anita M. Huffman  
Water Rights Specialist

cc: Regional Manager, Watermaster District 13, Water Availability Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

S-84124  
wab 15-010267929471  
pou 15-010267929471  
gw

# APPLICATION FACT SHEET

*Mail to: Applicant, Watermaster, District Biologist (ODFW)*  
*If necessary, also mail to : Regional Water quality manager (DEQ), and DOA*

Application File Number: S-84124

Applicant: DAVID E BASHORE

County: JACKSON

Watermaster: District 13

Priority Date: April 23, 1999

Source: EAGLE POINT IRRIGATION DISTRICT RUN OFF (WASTE WATER) FROM BIG BUTTE CREEK, A TRIBUTARY OF ROGUE RIVER

Use: IRRIGATION OF 18.2 ACRES

Quantity: 0.228 CUBIC FOOT PER SECOND

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 2 BIG BUTTE CR

Point of Diversion Location: NENE, SECTION 10, T35S, R2E, W.M.; 1130 FEET SOUTH & 700 FEET WEST FROM NE CORNER, SECTION 10

Place of Use: NENE 18.2 ACRES, SECTION 9, TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Tuesday, July 27, 1999

PUBLIC NOTICE DATE: Tuesday, August 3, 1999

30 DAY COMMENT DEADLINE DATE: Thursday, September 2, 1999