

January 5, 1993

U.S. Umpqua National Forest  
P.O. Box 1008  
Roseburg, OR 97470

Reference: File Number G-11103

Dear Administrator:

This letter informs you of the current status of your application for a water right and accompanies the Unsatisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of the application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure the protection of existing water rights and of the public at large.

One very important phase of the technical review process includes an evaluation of the extent to which water is deemed available from the water source the applicant plans to use. The purpose of this water availability evaluation is to protect against over-appropriation of Oregon's water supply.

As a result of the water availability analysis conducted in connection with the technical review of your application, Department staff have determined that water is not available to support your proposed use and thus must conclude that your proposed water use would contribute to over-appropriation of the North Umpqua River.

THEREFORE, THE DIRECTOR FINDS THAT YOUR PROPOSED WATER USE WILL IMPAIR OR WILL BE DETRIMENTAL TO THE PUBLIC INTEREST AND RECOMMENDS THAT YOUR APPLICATION FOR A WATER USE PERMIT BE REJECTED.



However, under certain limited circumstances an exception to the general rule against over-appropriation may be granted. Such exception may only be considered where there is a high public interest in the proposed water use and the use can be conditioned to protect instream values. (See OAR 690-410-070(2)(a).)

If you can present evidence which demonstrates a high public interest in your proposed water use and you can show that the use can be conditioned to protect instream values, the Water Resources Department will consider such evidence. In addition, you may also submit evidence which demonstrates that the Department's water availability analysis is inaccurate or that other portions of the technical review are defective.

If you wish to submit evidence or object to any of the analyses contained in the Report, you must submit your evidence or objections to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before March 15, 1993** or the Department may presume that there is no opposition to the analyses set out in the Report of Technical Review. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted no later than the above time and date, the Director will evaluate each issue raised in the objections and will either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

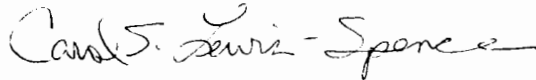
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If your evidence or objections are accepted and the issues are resolved in satisfaction of the technical review requirements, the Department will move your application to the next phase of processing. This phase will include a full public interest assessment of your proposed water use. No final action may be taken on your application until the public interest review is completed.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions about any of the requirements described above or about any of the findings contained in the Report of Technical Review, please feel free to call me or any of the Department's Water Rights Section staff. My telephone number is 378-3739 in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Carol S. Lewis-Spence".

Carol S. Lewis-Spence  
Senior Water Rights Specialist

Enclosure

cc: ODFW  
WATERWATCH  
WATERMASTER, #16

Report Date: 1/5/93

OREGON WATER RESOURCES DEPARTMENT  
**UNSATISFACTORY REPORT OF TECHNICAL REVIEW**  
**FOR WATER USE PERMIT(S)**

**OBJECTIONS TO THE PROPOSED REJECTION OF WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE MARCH 15, 1993.**

APPLICATION FILE NUMBER -           G    11103

Applicant name/address/county/phone:

U.S. UMPQUA NATIONAL FOREST  
PO BOX 1008  
ROSEBURG, OR           97470  
DOUGLAS    Co.   503-864-3566

Date application received for filing and/or tentative date  
of priority: 9/29/1983

SOURCE: NORTH WELL                               TRIBUTARY TO: SILENT CR  
          SOUTH WELL                               TRIBUTARY TO: SILENT CR

Purpose and/or use: POTABLE WATER AT PUBLIC  
CAMPGROUNDS/PICNIC AREAS (DIAMOND LAKE AND BROKEN ARROW  
CAMPGROUNDS AND SOUTH SHORE PICNIC AREA)

Flow:       NORTH WELL - 50.0 gpm  
          SOUTH WELL - 70.0 gpm

Point of Diversion Location:  
          NORTH WELL - T 28S R5.5E SEC. 9, 2310 FEET NORTH AND  
3430 FEET WEST FROM SE CORNER OF SEC. 9  
          SOUTH WELL - T 28S R5.5E SEC. 21, 300 FEET SOUTH AND  
3300 FEET WEST FROM NE CORNER OF SEC. 21

Place of use:

Sections 9, 16, 20, 21  
T 28S R 5.5E, W.M.

## WATER AVAILABILITY

This is an application for use of GROUNDWATER. The Groundwater/Hydrology Section report indicates that pursuant to OAR 690-09-040, the proposed groundwater withdrawal **will** have the potential to cause substantial interference with surface water.

The **North Umpqua River** has been designated as a scenic waterway. **Silent Creek** is a tributary to the **North Umpqua**. The water availability assessment set out below includes flows necessary to support the values of the scenic waterway.

The following tabulation delineates the flow of surface water available from the North Umpqua for appropriation for the months of each year in CFS at **gage #14316500**, located near Boulder Creek in T26S R2E, W.M., SECTION 24.

<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	
1271	1344	1294	1467	1557	1172	857	757	748	826	1023	1192	GAGED
400	400	400	400	400	300	300	300	400	400	400	400	MPS*
871	944	894	1067	1157	872	557	457	348	426	623	792	WA**

\*Minimum Perennial Streamflows: #59800 (PRIORITY DATED 1958);  
59939, 59940, 59941, 59942 (1974)

\*\*Water Available

<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	
1271	1344	1294	1467	1557	1172	857	757	748	826	1023	1192	GAGED
1500	1500	1500	1500	1500	1500	890	890	890	890	890	1500	SWF*
0	0	0	0	57	0	0	0	0	0	133	0	WA**

\*Scenic Waterway Flow requirements (SWF), approved 4/19/91.

\*\*Water available

The source of flow data is:

Water Availability for Oregon's Rivers and Streams: Volume 2;  
Technical Guide and Appendixes. By E. George Robison, May 1991.

These flows represent the amount of water which is likely available in excess of needs for all existing rights (including Instream Water Rights of record and Scenic Waterway Flow requirements) 80% of the time during each monthly period.

## CONFLICTS WITH OTHER WATER RIGHTS

There **are no** existing rights from this point of diversion.

There **are no** existing water rights appurtenant to the lands described in the application.

## REPORT CONCLUSIONS

Water is likely available for 0 months of the 3 to 4-months normal period of use.

**THEREFORE, THE DIRECTOR FINDS THAT WATER IS NOT AVAILABLE IN SUFFICIENT AMOUNT DURING THOSE PERIODS OF TIME WHICH WOULD REASONABLY SUPPORT THE PROPOSED USE.**

Based on findings set out above, the Director will recommend rejection of the application unless the applicant can provide evidence that the HUMAN CONSUMPTION use of water for the full season will not result in wasteful, uneconomic, impracticable or unreasonable use of the waters involved.

The applicant can overcome a proposed rejection by demonstrating that an alternative source of water is available during the period water is not available from the proposed source.

In the alternative, the applicant may submit evidence that the proposed use is of high public interest.

In determining whether the public interest in the proposed use is high and whether the application should be granted an exception under OAR 690-410-070(2)(a), the Commission and/or Director will weigh the relative value of the proposed use in accordance with the public interest standards set out in ORS 537.170 (5) and OAR 690-11-195.

If the Commission and/or Director find that the proposed use should be granted such an exception, a finding will be prepared stating that water is available for the proposed use if the permit can be conditioned to protect instream uses.

**THE APPLICANT MAY PRESENT EVIDENCE THAT THE FINDINGS AND/OR CONCLUSIONS SET OUT IN THE TECHNICAL REVIEW ARE DEFECTIVE OR OTHERWISE INCORRECT.**