



Oregon

John A. Kitzhaber, M.D., Governor

~~XXXXXXXXXX~~
Water Resources Department

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

December 9, 1997

CARY BOGS
ROUTE 1 BOX 1507
BANDON, OREGON 97411

Reference: File R-83543

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 and potential limitations to 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 storage of water from RUNOFF, A TRIBUTARY OF CONNER CREEK, TO BE APPROPRIATED UNDER APPLICATION 83542 for CRANBERRY USES is **allowable** under OAR 690-517-001(8), the South Coast Basin Program.
3. Water in the amount of 56.6 ACRE-FEET, BEING 9.0 AF IN RES 1, 20.0 AF IN RES 2 AND 27.6 AF IN RES 3 for CRANBERRY USES is **available** December 1 through March 31 of each year.

Summary of Initial Determinations

The storage of 56.6 ACRE-FEET, BEING 9.0 AF IN RES 1, 20.0 AF IN RES 2 AND 27.6 AF IN RES 3 from RUNOFF, A TRIBUTARY OF CONNER CREEK, TO BE APPROPRIATED UNDER APPLICATION 83542 for CRANBERRY USES may be allowed from December 1 through March 31 of each year.

Because of the Departments determination, your application can be moved to the next phase of

the water rights application review process. However, due to #3 above your application will likely be limited as summarized above.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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, December 23, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

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 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 August 29, 1997.

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 Deb Sturdevandt, (503) 229-6691 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.

Sincerely,



Anita M. McLoud
Water Rights Specialist

cc: Regional Manager, Watermaster District 19, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

wab 17-2000000
pou 17-2000000
gw