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WATER RESOURCES
SALEM, OREGON

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

January 31, 1995

Dwight French, Manager
Water Rights Division
Water Resources Department
158 12th Street, Northeast
Salem, Oregon 97310

Re: Response to Technical Evaluation of Water Right Application

File: R75469
Source: runoff from Ollalla Creek
Tributary: S. Umpqua River
Flow: .037 AF
Use: livestock

File: R75473
Source: unnamed stream
Tributary: S. Umpqua River
Flow: 1.95 AF
Use: livestock

File: R75476
Source: runoff
Tributary: S. Umpqua River
Flow: 4.49 AF
Use: livestock and domestic

File: R75478
Source: runoff
Tributary: S. Umpqua River
Flow: 2.35 AF
Use: livestock

File: R75482
Source: well
Tributary: S. Umpqua River
Flow: 0.29 AF
Use: recreation

File: R75498
Source: Bear Creek off Windy Creek
Tributary: S. Umpqua River
Flow: 0.65 AF
Use: wildlife

File: P75249
Source: pond and spring from Ash Creek
Tributary: S. Umpqua
Flow: 0.574 Acre Feet
Use: unknown



811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
TDD (503) 229-6993

DEQ-1



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SALEM, OREGON**

Page 2

File: R74082
Source: McNabb Creek off Ollala Creek
Tributary: S. Umpqua River
Flow: 5.0 AF
Use: livestock

File: R75212
Source: unnamed stream into three reservoirs
Tributary: S. Umpqua
Flow: 0.32 AF
Use: livestock

File: R75214
Source: Cowan Creek off Yoncalla Creek
Tributary: S. Umpqua
Flow: 1.47 AF
Use: livestock and irrigation

File: R75232
Source: springs
Tributary: S. Umpqua
Flow: 2.7 AF
Use: fish and fire

File: R75236
Source: runoff from Elgaroase Creek
Tributary: S. Umpqua
Flow: .35 AF
Use: wildlife

File: R75241
Source: runoff from Morgan Creek
Tributary: S. Umpqua
Flow: 3.8 AF
Use: livestock

File: R75242
Source: Ash Creek off Cow Creek
Tributary: S. Umpqua
Flow: 3.6 AF
Use: livestock

File: R75264
Source: Dixon Creek off Elk Creek
Tributary: S. Umpqua
Flow: 1.67 AF
Use: livestock

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SALEM, OREGON

Page 3

File: R75291
Source: spring off Morgan Creek
Tributary: S. Umpqua
Flow: 1.5 AF
Use: irrigation

File: R75298
Source: Quines Creek off Cow Creek
Tributary: S. Umpqua
Flow: .56 AF
Use: livestock and irrigation

File: R75299
Source: Quines Creek off Cow Creek
Tributary: S. Umpqua
Flow: .47 AF
Use: livestock and irrigation

File: P74959
Source: pond and runoff from tributary of Tenmile Creek
Tributary: S. Umpqua
Flow: 2.98 Acre Feet
Use: unknown

File: P74965
Source: pond and runoff from Stockel Creek
Tributary: S. Umpqua
Flow: 5.76 AF
Use: unknown

File: R75341
Source: springs off Lookinglass Creek
Tributary: S. Umpqua
Flow: 1.83 AF
Use: irrigation and livestock

File: R75355
Source: Cow Creek
Tributary: S. Umpqua
Flow: 2.0 AF
Use: irrigation and livestock

File: R75374
Source: runoff from Deer Creek
Tributary: S. Umpqua
Flow: 1.49 AF
Use: livestock

Page 4

File: R75379
Source: runoff and spring
Tributary: S. Umpqua
Flow: 2.85 AF
Use: livestock

File: R75382
Source: spring off Calahan Creek for two reservoirs
Tributary: S. Umpqua
Flow: .054 AF
Use: livestock

File: R75383
Source: runoff
Tributary: S. Umpqua
Flow: .80 AF
Use: livestock and garden

File: R75384
Source: spring off Roberts Creek
Tributary: S. Umpqua
Flow: 1.83 AF
Use: recreation

File: R75399
Source: runoff from Roberts Creek in 10 reservoirs
Tributary: S. Umpqua
Flow: 1.5 AF
Use: livestock

File: R75400
Source: runoff from Roberts Creek in 10 reservoirs
Tributary: S. Umpqua
Flow: 4.53 AF
Use: livestock

File: R75401
Source: runoff from Roberts Creek in 10 reservoirs
Tributary: S. Umpqua
Flow: 1.69 AF
Use: livestock

File: R75403
Source: runoff from Flournoy Creek, off Lookinglass
Tributary: S. Umpqua
Flow: .69 AF
Use: livestock

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SALEM, OREGON

Page 5

File: R75404
Source: runoff from Lookinglass Creek
Tributary: S. Umpqua
Flow: .26 AF
Use: livestock

File: R75438
Source: spring off Shoestring Creek
Tributary: S. Umpqua
Flow: .4 AF
Use: irrigation

File: R75442
Source: unnamed stream
Tributary: S. Umpqua
Flow: .36 AF
Use: livestock

File: R75443
Source: runoff from Flournoy Creek
Tributary: S. Umpqua
Flow: 1.03 AF
Use: livestock

File: S75342/R75341
Source: springs off Lookinglass Creek
Tributary: S. Umpqua
Flow: 30 gpm
Use: irrigation and livestock

Dear Mr. French:

The Department has completed its review of the above referenced Technical Review of a water right application. The drainage basin in which this application is located has been identified as water quality limited by the Department. The estimated low flow normally occurs during the summer period of May 1st to October 31st of each year. The Department's analysis of water quality indicates that during periods of low flow, water quality problems exist.

These application numbers propose additional out of stream use of water which if granted would reduce available instream flows during the seasonal low flow period, thus, increasing the likelihood of already identified water quality problems in this

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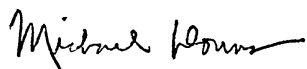
Page 6

drainage basin. The Department recommends limiting the pond or reservoir water right to high flow if it is available, and that be verified with a meter when 2.0 acre feet or more are impounded.

The Department requests for pollution prevention an farm management plan be developed to address water quality issues such as: 1) possible herbicide and pesticide use in the vicinity of the pond or wetland; 2) an erosion (sediment) plan with buffer strips; 3) a nutrient plan to prevent nitrate runoff into surface and groundwater; 4) potential flooding of the pond or wetland if located in the 100 year floodplain with subsequent contaminant release; and 5) if the pond use is for stock watering, then a way to keep stock out of the stream needs to be developed and the riparian area restored.

If you have questions or wish to further discuss this issue please feel free to contact Barbara Priest (503-229-5945) of my staff.

Sincerely,



Michael Downs
Administrator
Water Quality Division

MD:bjp:crw
SA\WC13\Ltr4 (S. Umpqua)

December 28, 1994

WaterWatch of Oregon, Inc.
921 S. W. Morrison #438
Portland, OR 97205

Water Resources Department
158 12th St. N. E.
Salem, OR 97310

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JAN - 3 1995

WATER RESOURCES
SALEM, OREGON

RE: Application for Permit #R75355, Red Michel
Cow Cr., Douglas Co., Irr. & Livestock

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 50% and 80% exceedence levels?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, WaterWatch requests that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Will this proposed diversion require a dredge & fill permit from the U. S. Army Corps. of Engineers, a fill and removal permit from the Division of State Lands, or a 401 certificate from the Department of Environmental Quality?

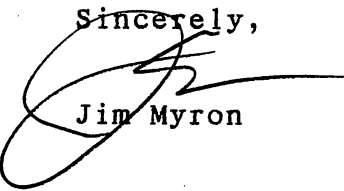
Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

Please send WaterWatch a copy of the department's technical review of this application.

Sincerely,



Jim Myron

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DEC 29 1994

**WATER RESOURCES DEPT.
SALEM, OREGON**

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s R75374 R75355 , R75317 R75390 ,

Send to:

Shannon Relaford - Division of State Lands

775 Summer St. NE

Salem, OR 97310

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:

Oregon Water Resources Department

158 12th ST NE

Salem, Oregon 97310

This Comment corresponds to the
DEC/21/1994 Public Notice.

December 20, 1994

TED W MICHEL
MICHEL, BETTY J
PO BOX 243
AZALEA, OR 97410

REFERENCE: File # R-75355;

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Your application will be considered under House Bill 2153 enacted by the 1993 Oregon Legislature. You may continue the storage of water while a decision is pending on your application.

After an application has been accepted for filing, public notification of the application is made, followed by a mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, the Department works through Oregon's 18 river basins on a rotating schedule, processing applications in the order in which they have been received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

Technical Reviews are processed in accordance with Oregon Administrative Rules. The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



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

REFERENCE: File(s) - R-75355

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, the demands of prior right holders and other conditions to conform the water use to particular standards.

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Mr. Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE

December 20, 1994

TED W MICHEL
MICHEL, BETTY J
PO BOX 243
AZALEA, OR 97410

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Mr. Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE