



## **Water Right Application Initial Review**

July 22, 2022

TOWN OF BONANZA  
PO BOX 297  
BONANZA OR 97623

Reference: Application R-89212

This document is to inform you of the preliminary analysis of the water-use permit application and to describe your 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:

### **Preliminary Determinations (Oregon Administrative Rule (OAR) 690-310-0080)**

1. The application proposes the diversion of 27.87 acre-feet (AF) of wastewater for storage in Pond 1, Pond 2, and Pond 3 for wastewater treatment and winter storage January 1 through December 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Under Oregon Revised Statute (ORS) 536.340(1)(a), the Water Resources Commission may establish a basin program to classify sources of water supply as to the highest and best use and quantities of use, and that classification of sources of water supply has the effect of restricting the use and quantities of use thereof to the uses and quantities of uses specified in the classification. The Commission has not established a basin program for the Klamath River Basin. Therefore, neither the proposed use nor the quantity of water is restricted as a result of this consideration.
4. Because the water to be stored is from wastewater and there are no diversions from surface water, the Department finds that an assessment of water availability is not required to protect the public interest.
5. The proposed use is located above the Klamath Scenic Waterway, as designated under Oregon Revised Statute 390.826.
6. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright.

7. See the **Additional Information Required** section below for deficiencies with the application.

Summary of Preliminary Determinations
The diversion of 27.87 AF of wastewater for storage in Pond 1, Pond 2, Pond 3 for wastewater treatment and winter storage is not allowable January 1 through December 31 of each year, unless additional information is submitted. See Additional Information Required section below for details.

**Additional Information Required**

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend permit approval. Please provide the following item(s):

1. The application identifies a total volume of 27.87 AF of water to be stored in all three ponds; however, the Department requires the volume of water to be stored in each pond to be identified. **Please identify the volume to be stored in each pond.**
2. The map submitted does not meet the requirements of OAR 690-310-0050(4)(a). Please provide a map that shows the location of the center of **EACH** pond by reference to a recognized public land survey corner. The location may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).
3. The map submitted also needs to identify the point of diversion (likely the wastewater treatment plant). The point of diversion may also be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).
4. Page 4 of the application submitted identifies the use of the stored water as wastewater treatment and winter storage. However, Page 5, Section 7b of the application and the land use form identify the use of the stored water as irrigation. **Please clarify the use of the stored water.** Keep in mind that wastewater treatment and winter storage are not “classified uses” of the stored water. The Department needs to know how the stored water will be used.

Please submit the requested information listed above no later than **August 25, 2022**. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items listed above or a request for an administrative hold by August 25, 2022, the Department may reject the application and may refund fees.

**Public Comment & Further Review:**

Public interest issues and/or public comments will be addressed as the Department prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

Division 33 Review – The Department’s Division 33 administrative rules (OAR 690-033) establish additional procedures and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered (STE) fish species. This Initial Review does not address the potential impact that your proposed use may have on these species.

Your application will now undergo an additional review from numerous federal, state, local, and tribal governmental entities. This review may cause your application to be limited, conditioned, or denied. Depending on the proposed use, you may be required to mitigate for potential impacts identified in the review.

Mitigation for impacts to STE Species – Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water within the impacted reach through purchasing or transferring an existing water right. Following the Initial Review, you will be notified if mitigation is required, due to impacts to STE fish species.

If you choose to pursue mitigation, you will likely need to place your application on administrative hold in order to explore options. There will be an additional fee of \$790 required with any mitigation proposal submitted.

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

- To Proceed - If you choose to proceed with the application you do not have to notify the Department. The application will 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.
- To Withdraw - You may withdraw the application and receive a refund (minus a \$310 processing fee per application). You must notify the Department **in writing by August 5, 2022**. For your convenience you may use the enclosed "STOP PROCESSING" form.

**If a permit is issued, it will likely include the following conditions:**

1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. A permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. **Water Use Measurement, Recording, and Reporting:**
  - A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage shall be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. 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.

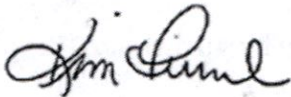
- C. The permittee shall keep a complete record of the volume of water stored each month, and shall submit a report which includes water-storage measurements to the Department annually (or more frequently as may be required by the Director). Further, the Director may require the permittee to report general 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.

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> to learn more about the plans and how they may affect the proposed water use.

**For Further Information:**

Feel free to contact me at [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov) or 503-979-3168 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0900. When corresponding by mail, please use this address: Kim French, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kim French  
Water Right Program Analyst  
Oregon Water Resources Department

Enclosures: Application Process Description and Stop Processing Request Form  
R-89212  
WAB: NO WAB  
Proposed to Deny

# APPLICATION FACT SHEET

Application File Number: R-89212

Applicant: TOWN OF BONANZA

County: KLAMATH

Watermaster: DANETTE WATSON, 17, SCR

Priority Date: FEBRUARY 14, 2022

Source: WASTEWATER

Purpose or Use of the stored water: WASTEWATER TREATMENT AND WINTER STORAGE

Storage Facility Name: POND 1, POND 2 AND POND 3

Volume: 27.87 ACRE-FEET

Period of Use: JANUARY 1 THROUGH DECEMBER 31

Basin Name & Number: Klamath, # 14

Points of Diversion:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
TREATED WASTEWATER FROM TREATMENT AND STORAGE POND	39 S	11 E	WM	9	SE SE	NONE GIVEN

Reservoir Locations:

Reservoir Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POND 1	39 S	11 E	WM	9	SE SE	NONE GIVEN
POND 2	39 S	11 E	WM	9	SE SE	NONE GIVEN
POND 3	39 S	11 E	WM	9	SE SE	NONE GIVEN

The Area to be submerged by the Reservoir:

Twp	Rng	Mer	Sec	Q-Q
39 S	11 E	WM	9	SW SE
39 S	11 E	WM	9	SE SE
39 S	11 E	WM	9	SW SW
39 S	11 E	WM	9	SE SE

**PUBLIC NOTICE DATE: July 26, 2022**

**14 DAY STOP PROCESSING DEADLINE DATE: August 5, 2022**

**30 DAY COMMENT DEADLINE DATE: August 25, 2022**

**STOP PROCESSING REQUEST FORM**

**FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS**

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- Stop processing deadline is within 14 days of Initial Review.

Applicant notification to withdraw Water Right Application **R-89212**.

After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$310 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$310 processing fee) be returned.

- This notice must be received at Water Resources Department by:

**August 5, 2022**

- Return the notice to:

OWRD, Water Right Services Division  
STOP PROCESSING  
725 Summer Street, NE - Suite A  
Salem OR, 97301-1271

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**APPLICATION PROCESS DESCRIPTION FOR  
GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS**

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our web site at: [www.wrd.state.or.us](http://www.wrd.state.or.us)

**1. Pre-application considerations**

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Customer Service Group at (503) 986-0900.

**2. Application filing**

- Application with fee is received by the Department.
- Department determines completeness of application.
- If use is not allowed by statute (ORS 538), the application and fees are returned to the applicant.
- An incomplete application and fees are returned to the applicant.
- Only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing.

**3. Initial Review (IR)**

- Caseworker reviews application by considering basin plans, water availability, statutory restrictions, and all other appropriate factors.
- Caseworker sends IR report to Applicant.
- Four days after date of the IR, it is included in Department's weekly Public Notice.
- Public comments must be submitted within 30 days after the Public Notice.

**4. Proposed Final Order (PFO)**

- Caseworker evaluates application against required criteria and develops draft permit, if appropriate.
- PFO includes instructions for filing of protests.
- Caseworker considers public comments and mails PFO to Applicant.
- The PFO is included in Department's weekly Public Notice.
- Public protests to the PFO must be submitted within 45 days after the Public Notice.

**5. Final Order (FO)**

- If no protest is filed, Final Order is issued.

***The protest process***

If one or more protests are filed, the process consists of:

- settlement discussion;
- contested case hearing;
- proposed Order;
- period of time to file exceptions; or
- Possible hearing by Water Resources Commission.
- Final Order is issued.

***Permit holder responsibilities***

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions.