



Oregon

Kate Brown, Governor

Water Resources Department
Eastern Region
Baker County Courthouse
1995 3rd Street, Suite 180
Baker City, OR 97814
Phone: (541) 523-8224
Fax: 1-866-214-3493
www.wrd.state.or.us

July 3, 2017

U.S. Forest Service
Steven K. Beverlin, Forest Supervisor Malheur National Forest
431 Patterson Bridge Road, P.O. Box 909
John Day, OR 97845

Rainbow Family Gathering Participants
(Multiple Addresses)

RE: Rainbow Family Gathering Domestic Water Use

On Friday, June 23, 2017, several Oregon Water Resources Department personnel were escorted by law enforcement officers into Elliot Spring, the headwaters of Flagtail Creek in Grant County, Oregon. The purpose of the site visit was to evaluate the sources and quantity of water being diverted by the Rainbow Family Gathering that was occurring at Flagtail Meadow.

Staff observed several places where water was being gathered in draws and channels, then piped through 1 ½ inch poly pipe to sites within the meadow for domestic use. One of the water collection pipes was diverting water from Elliot Spring, which is the headwaters of Flagtail Creek, and the other observed sites were in draws that are tributaries of Flagtail Creek. The water observed being piped out of the channel from Elliot Spring on June 23rd is an unauthorized use of water.

You have until July 10, 2017, to correct this unauthorized use. If this use continues, the Water Resources Department may take enforcement action, which can include an assessment of civil penalties. At the time staff observed the unauthorized use, no injury to other water right holders was apparent.

There are several options available to the U. S. Forest Service to address the issue of unauthorized use:

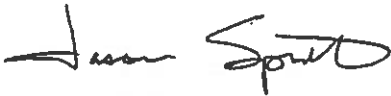
- The U.S. Forest Service has a water right from Wickiup Spring, Bee Spring, and Elliot Springs for stock water (Certificate 77057) with a priority date of October 4, 1982. The amount of water allowed for use under this right is 6.75 gallons per minute. A transfer in type of use can be submitted to the Water Resources Department to change from stock use under Certificate 77057 to domestic or group domestic use. This type of change would be for future anticipated needs and could not be processed quickly enough to provide water in July 2017.
- ORS 537.545 (1)(d) allows the use of groundwater for domestic or group domestic in an amount not to exceed 15,000 gallons per day, without the need of a water right.



- ORS 537.800 allows, without a water right, the use of springs rising on the property that do not flow off the property in a well-defined channel.
- The U.S. Forest Service or the Rainbow Family Gathering may transport water from an authorized supplier, typically a municipality, to the site.
- The U.S. Forest Service or the Rainbow Family Gathering may disconnect pipe from Elliot Spring and any other surface water sources to stop the unauthorized water use.

I encourage you to work with your local Watermaster office in Burns or John Day to explore additional sources of water that could be used for domestic or group domestic purposes, or the transfer in use of existing water rights. Thank you for the coordination on this issue, and especially the law enforcement escorts you have provided thus far. Keeping staff and the public safe is of utmost importance. If you have questions regarding the information provided in this letter, please feel free to contact me at the number below, or at Jason.D.Spriet@oregon.gov.

Sincerely,



Jason Spriet
East Region Manager
Oregon Water Resources Department
1995 3rd Street, Suite 180
Baker City, OR 97814
Phone: (541) 523-8224

Cc: Ivan Gall, Field Services Administrator
Mike Ladd, North Central Region Manager
Val DeMars, Rainbow Family Scout
Donald J Arceneaux, Rainbow Family Scout
Paul Kingston, Rainbow Family Scout
Mark Squire, Rainbow Family Scout
Emily Downing, Rainbow Family Scout
Eric Julsrud, Watermaster District 4, Canyon City
JR Johnson, Watermaster District 10, Burns