



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

**CERTIFIED
Return Receipt Requested**

JASON AND AIMEE FINNIGAN
95582 KENTUCK WAY
NORTH BEND, OR 97459

November 9, 2007

Reference: File S-87006

Dear Mr. and Mrs. Finnigan:

**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 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 application requested the use of 0.01 cubic foot per second (CFS) from a spring, tributary to Kentucky Creek, for year-round domestic expanded use for one household.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from a spring, tributary to Kentucky Creek, for domestic expanded use is allowable under the South Coast Basin Program.
4. Your proposed use falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
5. You are encouraged to contact Coos County as you may need to obtain authorization to cross Kentucky Way.
6. Surface water is not available in the amount requested at any time.

7. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 0.01 CFS of water from a spring, tributary to Kentuck Creek, for domestic expanded use is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Required:

Although it is unlikely that a permit will be issued, if the Department's findings change, additional information will be required. Those items are:

- The map submitted does not meet the requirements of OAR 690-310-0050(4)©. Please provide a map that identifies all quarter-quarters.
- OAR 690-310-050((4)(b)) requires the application map submitted to the Department to show the location of pipelines, ditches or other means of transporting water for the proposed use. Please indicate the location of the *main line* proposed under this application.

Please submit this information no later than Thursday, December 13, 2007. 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 requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

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.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$150 processing charge per application.) To accomplish this you must notify the Department in

writing by **Friday, November 23, 2007**. 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. The Director may require the permittee to install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. If the Director notifies the permittee to install a totalizing flow meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. 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 point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

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 comments from the public and other agencies, 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.

The water source identified in your 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/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0815 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Joel Plahn, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

Joel Plahn
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87006
WAB 17-72954
POU 17-72954
GW

APPLICATION FACT SHEET

Application File Number: S-87006

Applicant: JASON AND AIMEE FINNIGAN

County: COOS

Watermaster: 19

Priority Date: OCTOBER 5, 2007

Source: A SPRING, TRIBUTARY TO KENTUCK CREEK

Use: DOMESTIC EXPANDED USE FOR ONE HOUSEHOLD

Quantity: 0.01 CUBIC FOOT PER SECOND

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 1 KENTUCKY INLET & MISC

Point of Diversion Location: NWSW, SECTION 4, T25S, R12W, W.M.; 2384 FEET NORTH AND 1220 FEET EAST FROM SW CORNER, SECTION 4

Place of Use:

NW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 4
TOWNSHIP 25 SOUTH, RANGE 12 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 23, 2007

PUBLIC NOTICE DATE: Tuesday, November 13, 2007

30 DAY COMMENT DEADLINE DATE: Thursday, December 13, 2007

Mailing List for IR Copies

Application #S-87006

IR Date: November 9, 2007

Original mailed to applicant:

JASON AND AIMEE FINNIGAN , 95582 KENTUCK WAY, NORTH BEND, OR 97459

Copies sent to:

1. WRD - File # S-87006
2. WRD - Water Availability: Ken Stahr

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager: Bruce Sund
4. WRD - Watermaster # 19 (include Division 33 form)
5. ODFW: Alan Ritchey (include Division 33 form)
6. DEQ: John Blanchard (include Division 33 form)
7. Department of Agriculture
8. Coos County: 250 North Baxter Coquille, OR 97423
9. Main Rock Products: 96521 Kentuck Way North Bend, OR 97459

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

Caseworker: Joel Plahn

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