



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 MAIL RETURN RECEIPT REQUESTED

TODD AND SUSAN TRIPP
1458 NOTWOOD AVE
COOS BAY, OR 97420

March 6, 2009

Reference: File S-87389

Dear Applicants:

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 2.24 gallons per minute (GPM), which is 0.005 cubic foot per second (CFS), from North Tenmile Lake, a tributary of Tenmile Creek, for year-round domestic 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 North Tenmile Lake, a tributary of Tenmile Creek, for domestic use is allowable under the South Coast Basin Program.
4. An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumptive portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined water is not available for further appropriation (at 80 percent exceedance probability) for domestic use due to senior water rights. However, water is available for a limited number of individual rights for human consumption use under an agreement between the Oregon Department of Fish and Wildlife, Coos Bay North Bend Water Board, and Tenmile Lake Homeowners Association. That agreement was incorporated as a condition in Certificates 76819 and 76820; the condition precludes regulation of those subsequent human consumption rights in favor of those certificates. Therefore, water is found to be available if limited to human consumption use (indoor use only: cooking, drinking, sanitation), not to exceed 500.0 gallons per day (GPD).

5. Your proposed use falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
6. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 0.005 CFS from North Tenmile Lake, a tributary of Tenmile Creek, for human consumption use (indoor use only: cooking, drinking, sanitation), not to exceed 500.0 GPD, may be allowed year-round.

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #4 above, your application will likely be limited accordingly.

Because of these favorable determinations, the Department can now move your application to the next phase of the water-rights application review process, where public interest factors will be evaluated.

Additional Information Required:

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval. The map submitted with your application incorrectly describes the place of use as: NENE, Section 5, Township 25 South, Range 11 West. The correct place of use is NENE, Section 5, Township 23 South, Range 12 West. Please submit an updated map with the correct place of use by **April 9, 2009**.

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.

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.

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.

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, March 20, 2009**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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 totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use 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.
 - 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.
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 503-986-0808 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: Brook Geffen, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in black ink that reads "Brook Geffen". The signature is written in a cursive, slightly slanted style.

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87389
WAB 17- 31730401
POU 17-31730401
GW

APPLICATION FACT SHEET

Application File Number: S-87389

Applicant: TODD AND SUSAN TRIPP

County: COOS

Watermaster: 19

Priority Date: FEBRUARY 5, 2009

Source: NORTH TENMILE LAKE, A TRIBUTARY OF TENMILE CREEK

Use: DOMESTIC USE FOR ONE HOUSEHOLD

Quantity: 0.005 CUBIC FOOT PER SECOND

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 1 TENMILE CR & MISC

Point of Diversion or Well Location(s): NENE, SECTION 5, T23S, R12W, W.M.; 360 FEET SOUTH AND 950 FEET WEST FROM NE CORNER, SECTION 5

Place of Use:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 5
TOWNSHIP 23 SOUTH, RANGE 12 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 20, 2009

PUBLIC NOTICE DATE: Tuesday, March 10, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, April 9, 2009

Mailing List for IR Copies

Application #S-87389

IR Date: March 6, 2009

Original mailed to applicant:

TODD AND SUSAN TRIPP , 1458 NOTWOOD AVE, COOS BAY, OR 97420

Copies sent to:

1. WRD - File # S-87389
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager (not SCR):
4. WRD - Watermaster # 19 (include Division 33 form)
5. ODFW: (include Division 33 form)
6. DEQ: (include Division 33 form)
7. Department of Agriculture

Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

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

Caseworker: Brook Geffen

COPYSHT.IR

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

REMINDER: Copy **all** IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)