



# 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

JEANNETTE BRUNELL  
JEANNETTE BRUNELL TRUST  
95536 COOS RIVER LANE  
COOS BAY, OR 97420

October 2, 2009

Reference: File S-87553

Dear Applicant:

### **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 proposed the use of 0.1 cubic foot per second (CFS) of water from two unnamed streams, tributary to Coos River, for domestic use expanded for six households, year-round.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from two unnamed streams, tributary to Coos River, for domestic use expanded is allowable under the South Coast Basin Program.
4. Surface water is available in the amount and for the full period requested.
5. The standard allowable rate for domestic use expanded for six households is 0.03 CFS. If a permit is issued, the rate will be limited to 0.03 CFS.
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 0.03 CFS of water from two unnamed streams, tributary to Coos River, for domestic use expanded for six households is allowable during the full period requested, year-round.**

Because of the Department's determination, your application can be moved to the next phase of the water-rights application review process, where public interest factors will be evaluated.

However, due to #5 above, your application will likely be limited accordingly.

**Additional Information Required:**

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

- The map submitted does not meet the requirements of OAR 690-310-0050 (4) (a). POD #2, as described in the map legend, is labeled as POD #4 on the map. Please provide a map with the necessary correction.

**Please submit this information no later than November 5, 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.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

**Withdrawal Refunds:**

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, October 16, 2009**. 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. 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.
  - 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.

- C. 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.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and 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](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 503-986-0853 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: Michele McAleer, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Michele McAleer  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87553  
WAB 17-31730403  
POU 17-31730403

# APPLICATION FACT SHEET

Application File Number: S-87553

Applicant: JEANNETTE BRUNELL TRUST, JEANNETTE BRUNELL

County: COOS

Watermaster: 19

Priority Date: SEPTEMBER 3, 2009

Source: TWO UNNAMED STREAMS, TRIBUTARIES OF COOS RIVER

Use: DOMESTIC USE EXPANDED FOR SIX HOUSEHOLDS

Quantity: 0.10 CUBIC FOOT PER SECOND

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 1 COOS R & BAY & MISC

Point of Diversion(s):

POD #1: SESW, SECTION 28, T25S, R12W, W.M.; 1830 FEET SOUTH AND 30 FEET WEST FROM C1/4 CORNER, SECTION 28

POD #2: NESE, SECTION 28, T25S, R12W, W.M.; 607 FEET SOUTH AND 1935 FEET EAST FROM C1/4 CORNER, SECTION 28

Place of Use:

SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 28

TOWNSHIP 25 SOUTH, RANGE 12 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 16, 2009**

**PUBLIC NOTICE DATE: Tuesday, October 6, 2009**

**30 DAY COMMENT DEADLINE DATE: Thursday, November 5, 2009**

# Mailing List for IR Copies

Application #S-87553

IR Date : October 2, 2009

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**Original mailed to applicant:**

JEANNETTE BRUNELL TRUST, JEANETTE BRUNELL, 95536 COOS RIVER LANE, COOS BAY, OR 97420

Copies sent to:

1. WRD - File # S-87553
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent VIA E-MAIL to:

3. WRD - Watermaster # 19 (include Division 33 form)
4. ODFW: Gary Vonderohe (include Division 33 form)
5. DEQ: David Waltz (include Division 33 form)

IR, Map, and Fact Sheet Copies sent to:

6. WRD - Regional Manager (not SCR): Southwest

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

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

7. Dennis Goude, Stuntzner Engineering & Forestry, 705 South 4<sup>th</sup> Street, Coos Bay, OR 97420

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
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Caseworker: Michele McAleer

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