



# 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

March 16, 2007

STEVEN KERSHAW  
NETARTS WATER DISTRICT  
PO BOX 50  
NETARTS, OR 97141

Reference: File S-86705

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 proposed use is not prohibited by law or rule except where otherwise noted below.
2. The use of water from Fall Creek, a tributary of Pacific Ocean for quasi-municipal use is allowable under the North Coast Basin Program.
3. Surface water is available in the amount requested during the period November 1 through April 30.
4. If you are a District that has been formed and authorized by the County, you are a municipal corporation and may request "municipal use" rather than "quasi-municipal use". Quasi-municipal use is reserved for entities "other than a public corporation created for the purpose of operating a water supply system", according to Oregon Administrative Rule 690-300-0010(40). Municipal Corporation is defined as any county, city, town or district as defined in Oregon Revised Statute 198.010 or 198.180(5) that is authorized by law to supply water for usual and ordinary municipal water uses (OAR 690-300-0010(28)). Please clarify the requested use if it is something other than quasi-municipal.

**Summary of Initial Determinations**

**The use of 0.3 cubic foot per second from Fall Creek, a tributary of Pacific Ocean for quasi-municipal uses may be allowed November 1 through April 30.**

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 #3 above your application will likely be limited accordingly.

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 \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, March 30, 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. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. 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. Within 3 years of permit issuance, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this time line to complete the required Water Management and Conservation Plan. The time line for submittal of a plan under this permit does not alter the time lines for submittal of a plan under any other order of the Department.
3. 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 503-986-0859 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: Jeana Eastman, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Jeana Eastman  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form  
S-86705 WAB 1-30120311 POU 1-30120311 GW

# APPLICATION FACT SHEET

*Mail to: Applicant, Watermaster, District Biologist (ODFW)*  
*If necessary, also mail to : Regional Water quality manager (DEQ), and DOA*

Application File Number: S-86705

Applicant: STEVEN KERSHAW for NETARTS WATER DISTRICT

County: Tillamook

Watermaster: 1

Priority Date: October 19, 2006

Source: FALL CREEK, A TRIBUTARY OF PACIFIC OCEAN

Use: QUASI-MUNICIPAL USES

Quantity: 0.3 CUBIC FOOT PER SECOND

Basin Name & Number: North Coast, #1

Stream Index Reference: Volume 3 FALL CR & MISC

Point of Diversion or Well Location(s): NWSW, SECTION 29, T1S, R10W, W.M.;1879 FEET NORTH AND 1305 FEET EAST FROM SW CORNER, SECTION 29

Place of Use: WITHIN THE SERVICE BOUNDARY OF NETARTS WATER DISTRICT

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 30, 2007**

**PUBLIC NOTICE DATE: Tuesday, March 20, 2007**

**30 DAY COMMENT DEADLINE DATE: Thursday, April 19, 2007**

# Mailing List for IR Copies

Application #S-86705

IR Date : March 16, 2007

## Original mailed to applicant:

STEVEN KERSHAW for NETARTS WATER DISTRICT, PO BOX 50, NETARTS, OR 97141

### Copies sent to:

1. WRD - File # S-86705
2. WRD - Water Availability: Ken Stahr

### IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager: NCR
4. WRD - Watermaster # 1 (include Division 33 form)
5. ODFW: Chris Knutsen (include Division 33 form)
6. DEQ: Andy Schaedel (include Division 33 form)
7. Department of Agriculture

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

8. Ron Larson, CWRE #175

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