



Oregon

John A. Kitzhaber, MD, 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

CARL AND MARY JOAN GEORGE
PO BOX 2704
LEBANON, OR 97355

July 22, 2011

Reference: File S-87659

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 0.005 cubic foot per second (CFS) of water from North Tenmile Lake, a tributary of Tenmile Creek, for year-round human consumption (cooking, drinking, and sanitation) 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 year-round human consumption is allowable under the South Coast Basin Program.
4. Surface water is available for a limited number of individual rights for human consumption 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 available for human consumption (indoor use only: cooking, drinking, sanitation), not to exceed 500 gallons per day (GPD).
5. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
6. The application is subject to Section 4(d) of the Endangered Species Act.

Summary of Initial Determinations

The use of 0.005 CFS, further limited to 500 GPD, from North Tenmile Lake, a tributary of Tenmile Creek, for year-round human consumption (cooking, drinking, and sanitation) for one household is allowable.

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.

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 \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, August 5, 2011**. 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.
 - B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded report 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.
 - C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - 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 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-87659
WAB 17-
POU 17-
GW

APPLICATION FACT SHEET

Application File Number: S-87659

Applicant: CARL AND MARY JOAN GEORGE

County: COOS

Watermaster: 19

Priority Date: OCTOBER 7, 2010

Source: NORTH TENMILE LAKE, A TRIBUTARY OF TENMILE CREEK

Use: HUMAN CONSUMPTION (COOKING, DRINKING, AND SANITATION) FOR ONE HOUSEHOLD

Quantity: 0.005 CUBIC FOOT PER SECOND

Basin Name & Number: SOUTH COAST, #17

Stream Index Reference: Volume 1 TENMILE L & MISC

Point of Diversion or Well Location(s): NWSW, SECTION 9, T23S, R12W, W.M.; 2238 FEET NORTH AND 242 FEET EAST FROM SW CORNER, SECTION 9

Place of Use:

NW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 9
TOWNSHIP 23 SOUTH, RANGE 12 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 5, 2011

PUBLIC NOTICE DATE: Tuesday, July 26, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, August 25, 2011

Mailing List for IR Copies

Application #S-87659

IR Date: July 22, 2011

Original mailed to applicant:

CARL AND MARY JOAN GEORGE , PO BOX 2704, LEBANON, OR 97355

Copies sent to:

1. WRD - File # S-87659
2. WRD - Water Availability: Ken Stahr

VIA EMAIL

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

IR, Map, and Fact Sheet Copies sent to:

6. WRD - Regional Manager (not SCR): SW
7. Department of Agriculture

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

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

1. Kim Kratz, Director, Oregon State Habitat Office, National Marine Fisheries Service

1201 NE Lloyd Blvd, Portland, OR 97232

2. Jim Thrailkill, Field Supervisor, USFWS, Roseburg Field Office

2900 N.W. Stewart Parkway, Roseburg, Oregon 97471

3. Stuntzner Engineering & Forestry, LLC, PO Box 118, Coos Bay OR 97420

Caseworker: Jeana Eastman

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