



# 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

August 12, 2011

DANA OSMAN  
25473 CAPE VIEW LOOP  
GOLD BEACH, OR 97444

Reference: File S-87737

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 0.10 cubic foot per second (CFS) of water from an unnamed stream, tributary to Myers Creek, for year-round fire protection, domestic use for two households, and irrigation of 4.5 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The withdrawal of surface water for emergency fire-fighting uses is an exempt use under ORS 537.141, and therefore does not require a permit. It will not be considered a part of this application, unless you inform the Department otherwise.
4. On August 10, 2011 the Department received the applicant's request to remove the domestic use for two households from the application.
5. The use of water from an unnamed stream, a tributary to Myers Creek for irrigation use is allowable under the South Coast Basin Program.
6. Surface water is available during the period April 1 through October 31 for irrigation use.
7. The standard allowable rate for irrigation use from surface water is 1/80 CFS per acre. Your application requested 0.10 CFS for 4.5 acres. If the application is approved, the rate allowed will be limited to 0.06 CFS.

Summary of Initial Determinations

**The use of 0.06 CFS from an unnamed stream, tributary to Myers Creek, for irrigation of 4.5 acres is allowable from April 1 through October 31.**

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 and 6** 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 \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, August 26, 2011**. 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.
  - B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted, 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.
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,

A handwritten signature in black ink that reads "Michele R. McAleer". The signature is written in a cursive style with a large, stylized 'M' and 'A'.

Michele McAleer  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87737  
WAB 17- no wab  
POU 17- no wab

# APPLICATION FACT SHEET

Application File Number: S-87737

Applicant: DANA OSMAN

County: CURRY

Watermaster: 19

Priority Date: JULY 11, 2011

Source: UNNAMED STREAM, A TRIBUTARY OF MYERS CREEK

Use: IRRIGATION OF 4.5 ACRES, DOMESTIC USE FOR TWO HOUSEHOLDS, AND FIRE PROTECTION

Quantity: 0.10 CUBIC FOOT PER SECOND (CFS)

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 7 BASIN 15 MISC

Point of Diversion: NESW, SECTION 7, T38S, R14W, W.M.; 695 FEET SOUTH AND 400 FEET WEST FROM C1/4 CORNER, SECTION 7

Place of Use:

NE $\frac{1}{4}$	SW $\frac{1}{4}$	3.0	ACRES	IRRIGATION AND DOMESTIC USE
SE $\frac{1}{4}$	SW $\frac{1}{4}$	0.5	ACRE	IRRIGATION
NW $\frac{1}{4}$	SE $\frac{1}{4}$	0.75	ACRE	IRRIGATION
SW $\frac{1}{4}$	SE $\frac{1}{4}$	0.25	ACRE	IRRIGATION
SECTION 7				
TOWNSHIP 38 SOUTH, RANGE 14 WEST, W.M.				

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 26, 2011**

**PUBLIC NOTICE DATE: Tuesday, August 16, 2011**

**30 DAY COMMENT DEADLINE DATE: Thursday, September 15, 2011**

# Mailing List for IR Copies

Application #S-87737

IR Date : August 12, 2011

## Original mailed to applicant:

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DANA OSMAN , 25473 CAPE VIEW LOOP, GOLD BEACH, OR 97444

### Copies sent to:

1. WRD - File # S-87737
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Regional Manager (not SCR): SW
4. Department of Agriculture

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

5. WRD - Watermaster # 19 (include Division 33 form)
6. ODFW: Todd Confer (include Division 33 form)
7. DEQ: Heather Tugaw (include Division 33 form)

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

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

COPYSHT.IR

Caseworker: Michele McAleer