



# 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

DONALD RYAN  
95586 GUERRIN LN  
MYRTLE POINT, OR 97458

November 4, 2011

GARY BARONE  
95601 GUERRIN LN  
MYRTLE POINT, OR 97458

JAMES S.B. SMITH  
PO BOX 6  
MYRTLE POINT, OR 97458

Reference: File S-87704

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 proposed the use of 0.013 cubic foot per second (CFS) of water from Middle Fork Coquille River, tributary to South Fork Coquille River, for year-round domestic use expanded for three households.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Middle Fork Coquille River, tributary to South Fork Coquille River, for domestic use expanded is allowable under the South Coast Basin Program.
4. Surface water is not available during the period May 1 through November 30.
5. The application is subject to Section 4(d) of the Endangered Species Act.
6. Information obtained from the Department of Environmental Quality (DEQ) indicates that the source of water identified in your application is "Water Quality Limited", which means that there are water-quality concerns.

### Summary of Allowable Water Use

**Because not all items above are favorable, the use of 0.013 CFS of water from Middle Fork Coquille River, tributary to South Fork Coquille River for domestic use expanded for three households is not allowable, and it appears unlikely that you will be issued a permit unless a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order.**

**However, by providing additional information you may request a limited permit for human consumption use for three households (indoor use only: cooking, drinking, sanitation), further limited to 500 gallons per day. At this time, you must decide whether to proceed or to withdraw your application as described below.**

### Additional Information Opportunity

Due to requirements for existing water rights and/or minimum flows in a scenic waterway, water is not available in sufficient quantities to support the proposed use. However, human consumption of water (indoor use only: cooking, drinking and sanitation) from the proposed source may be considered a high public interest use if there is no reasonable alternative. If you can provide evidence that this is the case, we will work with the Oregon Department of Fish and Wildlife to attempt to determine conditions which will protect instream values during the months when instream flow requirements are not met. These conditions may include mitigation measures to offset the impact of the requested use.

Please complete and return the attached "Application Supplement for Human Consumption & Livestock Uses" form. Each applicant must sign the form. **Please submit the information no later than December 8, 2011.** 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 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.

### 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, November 18, 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. Before water use may begin under this permit, the permittee shall install a totalizing flow meter 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](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 fluid and cursive, with the first name "Michele" and last name "McAleer" clearly legible.

Michele McAleer  
Water Right Application Caseworker

enclosures:   Application Process Description and Stop Processing Request Form  
                  Application Supplement for Human Consumption & Livestock Uses

S-87704  
WAB 17-72525  
POU 17-7252

# APPLICATION FACT SHEET

Application File Number: S-87704

Applicant: DONALD W. RYAN, GARY J. BARONE, JAMES S.B. SMITH

County: COOS

Watermaster: 19

Priority Date: MARCH 9, 2011

Source: MIDDLE FORK COQUILLE RIVER, A TRIBUTARY OF SOUTH FORK COQUILLE RIVER

Use: DOMESTIC USE EXPANDED FOR THREE HOUSEHOLDS

Quantity: 0.01 CUBIC FOOT PER SECOND

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 2A MFK COQUILLE R

Point of Diversion Location: NENW, SECTION 27, T29S, R12W, W.M.; 650 FEET SOUTH AND 300 FEET WEST FROM N1/4 CORNER, SECTION 27

Place of Use:

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 22

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SECTION 27

TOWNSHIP 29 SOUTH, RANGE 12 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 18, 2011**

**PUBLIC NOTICE DATE: Tuesday, November 8, 2011**

**30 DAY COMMENT DEADLINE DATE: Thursday, December 8, 2011**

# Mailing List for IR Copies

Application #S-87704

IR Date: November 4, 2011

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**Original mailed to applicants (please mail one to each applicant):**

DONALD RYAN, 95586 GUERRIN LN, MYRTLE POINT, OR 97458  
GARY BARONE, 95601 GUERRIN LN, MYRTLE POINT, OR 97458  
JAMES S.B. SMITH , PO BOX 6, MYRTLE POINT, OR 97458

Copies sent to:

1. WRD - File # S-87704
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: (include Division 33 form)
5. DEQ: (include Division 33 form)

IR, Map, and Fact Sheet Copies sent to:

6. WRD - Regional Manager (not SCR):
7. Department of Agriculture
8. Kim Kratz, Director, Oregon State Habitat Office, National Marine Fisheries Service  
1201 NE Lloyd Blvd, Portland, OR 97232
9. Jim Thrailkill, Field Supervisor, USFWS, Roseburg Field Office, 2900 N.W. Stewart Parkway,  
Roseburg, OR 97471

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

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

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

VCOPYSHT.IR