

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
January 19, 2010

*This notice is also available on our web page at the following address:
http://apps2.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21*

This publication lists agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests in this week's Public Notice include:

- * **Permit Application Initial Reviews, Proposed Final Orders, and Final Orders**
Applications for permits to use, store, divert or pump surface water or groundwater. Includes applications by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
- * **Alternate Reservoir Applications (ORS 537.409)**
Applications for storage permits for small ponds filed under a simplified review process.
- * **Applications for Limited Licenses**
Requests to use water for 5 years or less. Licenses are subordinate to other rights and may be revoked if a use is found to injure other water right holders.
- * **Applications for Allocation Of Conserved Water**
Applications made by a water user who conserves water to use a portion of the conserved water on additional lands, lease or sell the water, or dedicate the water to instream use.
- * **Applications for Extensions of Time to Perfect Water Right Permits**
New applications received and proposed final orders regarding requests to extend time limits to fully develop water use projects and beneficially apply water.
- * **Transfer Applications: Regular**
Requests to change point of diversion or appropriation, place of use, or character of use upon which the public may comment. The changes may be proposed in an application for a transfer (including instream or historic POD), an exchange, or a substitution.
- * **Transfer Applications: Temporary Transfers**
Requests to temporarily change place of use and, if necessary to convey the water to the new place of use, to temporarily change the point of diversion or appropriation.

- * **District Permanent Transfers (ORS 540.580)**
Petitions requesting transfers in place of use within a district's boundaries.
- * **Water Management and Conservation Plans**
Water management and conservation plans submitted by municipalities and agricultural water suppliers under provisions of OAR Chapter 690, Division 86.

The Public Notice is published each week on the Department's web site at <http://www.wrd.state.or.us/>. If you would like to receive a *free* weekly notification when it is published, please send your request to "Jonnine.L.SKAUG@wrd.state.or.us".

Permit Application Initial Reviews and Proposed Final Orders

The following pages of this notice list permit applications that the Oregon Water Resources Department is evaluating for compliance with state water laws and regulations. Public participation and comment is encouraged. Opportunities for public involvement vary according to the stage of the permit evaluation.

Ground water permit applications in the Deschutes Basin (basin 5) may seek to provide mitigation pursuant to the Deschutes Ground Water Mitigation Rules by implementing a mitigation project or by obtaining mitigation credits made available by a completed mitigation project. Surface water and/or reservoir permit applications in the Deschutes Basin may be proposed ground water mitigation projects.

Initial Review Stage (IR in the "Stage" column of the permit listing)

The Department has given the applicant the results of an initial review of water use restrictions, water availability and other limits that affect the agency's decision on whether to issue a permit. The applicant has asked the agency to proceed to the next stage of evaluation. The Department welcomes comments from interested persons, agencies and organizations on the proposed water use.

The comment deadline for initial reviews appearing in this public notice is 5pm, Thursday, February 18, 2010. Although we cannot respond individually to all comments, each will be considered as the agency makes its permit decision.

Proposed Final Order Stage (PFO in the "Stage" column of the permit listing)

The proposed final order is the Department's preliminary decision on the water use request. It will indicate how the comments received on the application in the first stage were considered. The PFO documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use. Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$20. (Any person paying \$20 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem Office or at the district watermaster office nearest the proposed use. Those disagreeing with the Department's decision as expressed in the PFO have 45 days to file a protest.

The protest deadline for proposed final orders appearing in this public notice is 5pm, Friday, March 05, 2010.

The protest filing fee is \$300 for the applicants and \$600 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$150 to retain the ability to participate in future proceedings relating to an application. Before participation is allowed, an additional \$300 will be required at the time of the proceeding.

If a protest or comment deadline falls on a day that the office is closed then the next open business day automatically becomes the deadline date. In addition to the usual state or federal office closures, the Oregon Water Resources Department headquarters office will be closed on the following Fridays: October 16, 2009; November 27, 2009; March 19, 2010; April 16, 2010; June 18, 2010; August 20, 2010; September 17, 2010; November 26, 2010; March 18, 2011; and May 20, 2011.

How to Read the Listing

Applications on the next page are sorted by application number in the following format:

App#	Basin	Source	Township/Range	County	Priority	Quantity	Stage	Status
G-15693	DOE, JOHN PO BOX 123 02 A WELL > SPRING CR Uses: IR	EUGENE OR 97123	16.00S 03.00W 19 NESW	Lane	01/29/2002	0.3700 C	IR	3

FIRST LINE:

- * Application number:
 - G: groundwater
 - R: reservoir
 - S: surface water
 - I: instream
- * Applicant name & address
- * Stage of review:
 - IR: Initial Review
 - PFO: Proposed Final Order
- * Decision status codes
 - 1: permit may be issued as requested
 - 2: permit may be issued with conditions
 - 3: permit unlikely to be issued

SECOND LINE:

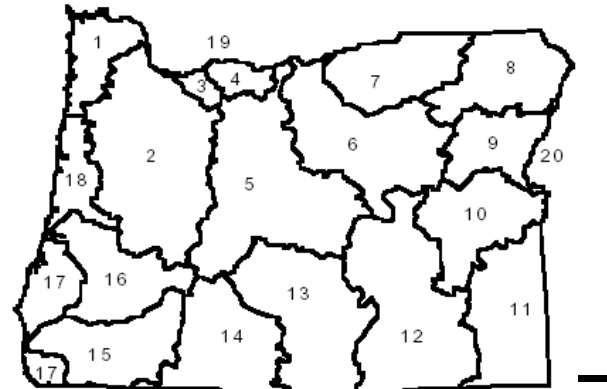
- * Basin number (see map below right)
 - * Source > what it flows into
(in the case of wells, this describes the basin in which the well is located)
 - * General legal description
 - * County & Priority date
 - * Amount
 - * Unit of measure:
 - C: cubic feet per second
 - G: gallons per minute
 - A: acre-feet
- THIRD LINE:**
- * Type of use (see abbreviations below)

BASINS:

- | | |
|-----------------|---------------------|
| 1. North Coast | 11. Owyhee |
| 2. Willamette | 12. Malheur L. |
| 3. Sandy | 13. Goose/Summer L. |
| 4. Hood | 14. Klamath |
| 5. Deschutes | 15. Rogue |
| 6. John Day | 16. Umpqua |
| 7. Umatilla | 17. S. Coast |
| 8. Grande Ronde | 18. Mid-Coast |
| 9. Powder | 19. Columbia |
| 10. Malheur | 20. Snake |

Commonly used "Type of Use" abbreviations (for definitions, consult Oregon Administrative Rules 690-300):

AG: Agriculture	GR: Groundwater recharge	MU: Municipal
CF,CH,CL, CR: Cranberry uses	GT: Geothermal	NU: Nursery use
CM: Commercial	IC: Irrigation, primary & supplemental	PA: Pollution abatement
CS: Campground	ID: Irrigation with domestic	PW: Power
DI, DN: Domestic including non-commercial lawn & garden	IL: Irrigation with livestock	QM: Quasi-municipal
DO: Domestic	IM: Industrial or manufacturing	RC: Recreation
DS: Domestic & stock	IR: Irrigation	RW: Road construction
FI: Fish	IS: Irrigation, supplemental	ST: Storage
FP: Fire protection	LV: Livestock	SW: Swimming
FW: Fish & wildlife	LW: Livestock & wildlife	TC: Temperature control
GD: Group domestic	MI: Mining	WI: Wildlife



App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status
S-87566	JOHNSON, GARRIE NEIL 36529 CAMP CREEK RD SPRINGFIELD OR 97478						IR 2
2	MCKENZIE RIVER > WILLAMETTE RIVER	17.00S 2.00W 27 NWNW	Lane	12/30/2009	0.011C		
Uses: DN							
G-17271	MCCULLOUGH, J KEVIN 96869 HERIN LANE WASCO OR 97065						IR 2
6	A WELL > BIGLOW CANYON	2.00N 18.00E 18 NESW	Sherman	10/08/2009	1.559C		
Uses: IR							
G-17275	PEILA, WILLIAM PO BOX 723 HINES OR 97738						IR 2
12	A WELL > WEST FORK SILVIES RIVER	24.00S 30.00E 2 SWSW	Harney	10/21/2009	0.188C		
Uses: IR							
G-17280	MCMARTIN, RUSS COUNTY OF WALLOWA 619 MARR POND LANE ENTERPRISE OR 97828						IR 2
8	A WELL > BOOKOUT CREEK	2.00S 44.00E 3 NWSW	Wallowa	10/23/2009	0.668C		
Uses: CM							
G-17285	FOX, RICHARD H. GOLDEN MOUNTAIN LLC 2470 LICHENS DR HOOD RIVER OR 97031						IR 3
4	A WELL > ODELL CREEK	2.00N 10.00E 33 NWNW	Hood River	11/10/2009	0.123C		
Uses: IS							
G-17287	KELLOGG, DAN KELLOGG KIN INC. 2312 SARDINE CREEK RD GOLD HILL OR 97525						IR 3
15	A WELL > SARDINE CREEK	36.00S 3.00W 4 SWSW	Jackson	11/17/2009	0.111C		
Uses: IR							

Permit Application Final Orders

Following is a list of applications that have had final orders issued recently. If you would like a copy of any of the final orders, you may send a request with \$20.00 for each final order to the Water Rights Section, Oregon Water Resources Department, 725 Summer Street NE Ste A, Salem OR 97301. If you have any questions, please contact the Department's customer service staff by dialing 503-986-0801.

Application	Basin	County	Priority	Company	Name	FO Date
G-17060	7	UMAT	05/27/2008	MEDELEZ TRUCKING LLC		01/13/2010
G-17234	9	BAKE	06/08/2009	J V BROWN RANCH LLC	JAMES BROWN	01/13/2010
G-17112	7	UMAT	10/02/2008		WILLIAM LARRY GIV	01/14/2010
G-17118	12	HARN	10/03/2008		NORMAN BUNDGARD	01/14/2010
G-17208	2	MARI	05/05/2009	PRINCE SEEDS INC.		01/14/2010
G-17233	8	UNIO	06/05/2009	H L WAGNER AND SONS INC.	DALE WAGNER	01/14/2010
G-17239	2	POLK	06/25/2009		BOGDAN CACEU	01/14/2010
R-87451	15	JACK	05/04/2009		GREGORY LAYTON	01/14/2010
R-87459	6	GRAN	05/26/2009		ROBIN OLTERMAN	01/14/2010
R-87495	2	BENT	07/09/2009	J2E TREE FARM LLC	SARAH EHLERS	01/14/2010
S-86915	5	DESC	07/18/2007	U.S. FOREST SERVICE		01/14/2010
S-87444	1	CLAT	04/21/2009		WILLARD RICHARDSON	01/14/2010
R-87276	2	CLAC	08/27/2008		VICTOR SCHNEIDER	01/19/2010

Alternate Reservoir Applications (ORS 537.409)

For alternate reservoir applications filed under ORS 537.409, the public is invited to comment within 60 days of this notice. The law provides that within 60 days after the Department provides public notice of the application, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir:

- (A) Would result in injury to an existing water right; or
- (B) Would pose a significant detrimental impact to existing fishery resources as determined on the basis of information submitted by the State Department of Fish and Wildlife.

Such comments must be submitted on or before March 20, 2010.

R-87569
ELLIOTT, ALLAN
CARLTON NURSERY CO. LLC
PO BOX 398
DAYTON OR 97114
POD: 1 PALMER CREEK > YAMHILL RIVER
NE 1/4 NW 1/4 Section 8 T 5.00S R 3.00W WM
Yamhill County
62.6 A for MULTIPLE PURPOSE

Applications for Limited Licenses

A limited license allows the right to use or store water for no more than 5 consecutive years. Use of water under a limited license is subordinate to all other authorized uses and may be shut-off at any time to satisfy those other uses. In addition, the Department may revoke a limited license if its use causes injury to any other water right or minimum perennial streamflow.

Licensees must maintain a record of how much water they are using (ORS 537.143). **The Department may approve a license after February 2, 2010, upon finding that the proposed water use will not impair or be detrimental to the public interest (OAR 690-340-030).** The public is invited to provide comments that will assist the Director in determining whether the use would impair or be detrimental to the public interest.

LL-1271

WILDISH STARDARD PAVING CO

PLUMMER, SCOTT

52 N RIVER RD

GOLD HILL OR 97525

POD: ROGUE R > PACIFIC OCEAN

NW 1/4 NW 1/4 SECTION 20 T 36.00S R 03.00W WM

Jackson County

0.089 C (est.) For ROAD CONSTRUCTION OR MAINTENANCE

0.089 C (est.) For GENERAL CONSTRUCTION

Applications for Allocation Of Conserved Water

The following applications for allocation of conserved water have been received pursuant to ORS 537.455 to 537.500 and OAR Chapter 690, Division 18. In reviewing the applications, the Department will consider whether the diversion for the uses allowed under the original water right will be reduced by the conservation project, whether existing water rights will be protected from injury, and whether the project is in compliance with local comprehensive land use plans.

CW-67

The Oregon Water Resources Department has received an application for an Allocation of Conserved Water under ORS 537.470. The Deschutes River Conservancy (DRC), in conjunction with Central Oregon Irrigation District (COID), filed the application. The Department designated the application as CW-67. The project proposes to conserve water by replacing approximately 1.5 miles of open, unlined canal with steel pipe.

The project is expected to yield approximately 0.75 cfs and 243 acre-feet of conserved water from the Deschutes River under Certificate 83571 with priority dates of 1900 and 1907. It is proposed that 100% of the conserved water will go instream from the POD at North Canal Dam (approximately RM 165) to River Mile 120 (near Lake Billy Chinook).

Any interested person may comment in writing, on CW-67. Comments must be received by February 22, 2010 or within 20 days of the last date of publication in the newspaper, whichever is later. Comments should be sent to Kody Thurgood, Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301-1266. Comments may be faxed to 503-986-0903. The Department will review all comments received when determining whether to approve the proposed allocation of conserved water.

A copy of the application and other information on the allocation and use of conserved water may be obtained from the Department by contacting Kody Thurgood at 503-986-0892 or Kody.J.Thurgood@wrd.state.or.us.

Proposed Final Orders Regarding Applications for Extensions of Time for Water Right Permits

ORS 537.230, 537.248, 537.630 and 539.010 authorize the Water Resources Department to extend time limits contained in water right permits for completing construction of water development projects and applying water to full beneficial use. Procedures for permit holders to apply for extensions and for the Department to evaluate and determine whether or not to approve extensions of time are contained in OAR 690-320-0010 for extensions filed before July 1, 2001, and in OAR 690-315-0010 for extensions filed on or after July 1, 2001.

Proposed Final Orders (PFO's) are the Department's preliminary decision on extension requests. They document the agency's decision through specific findings. Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$20. (Any person paying to receive a PFO by mail will also receive a copy of the Final Order when it is issued). PFO's may be viewed for free at the Department's Salem Office or at the appropriate district watermaster office.

Extension of Time Public Notice and Comment Procedures

Written comments on or written protests against a PFO must be submitted on or before March 05, 2010. There is no fee for submission of comments. The protest filing fee is \$300 for the applicant and \$600 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO.

1.) OAR-690-315

County of Use:	Marion
Application File Number:	R-85727
Permit Number:	R-13792
Applicant:	PEREZ, SALVADOR A.
Address:	13934 SILVER FALLS HWY SE SUBLIMITY OR 97385
River Basin:	Willamette Basin
Water Source:	UNNAMED STREAM > BEAVER CREEK
Authorized Use of Water:	STORED WATER, MULTIPLE PURPOSE
Maximum Diversion/ Appropriation Rate:	11.0 AF

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2008 to October 1, 2018.

County of Use: Marion
Application File Number: S-85728
Permit Number: S-53994
Applicant: PEREZ, SALVADOR A.
Address: 13934 SILVER FALLS HWY SE
SUBLIMITY OR 97385
River Basin: Willamette Basin
Water Source: A RESERVOIR > BEAVER CREEK
Authorized Use of Water: IRRIGATION ON 19.0 Acres
Maximum Diversion/
Appropriation Rate: 11.0 AF

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2008 to October 1, 2018.

Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before February 18, 2010. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

County: MARION
Transfer: 11002
Water Right: CERT 85817
Priority Date: 1992
Name: GARY & HEIDI VACHTER
Address: PO BOX 119, ST PAUL OR 97137
Change: APOA
Source: WELL

County: MORROW
Transfer: 11004
Water Right: CERT 50853,52005
Priority Date: 1973,1974
Name: DAN MCCARTY
Address: 27471 MCCARTY RANCH LANE, ECHO OR 97826
Change: APOA
Source: WELL

County: LANE
Transfer: 11005
Water Right: CERT 34613
Priority Date: 1963
Name: US UMPQUA NATIONAL FOREST
Address: 2900 NW STEWART PARKWAY, ROSEBURG OR 97471
Change: POU
Source: ROW RIVER

Transfer Applications: Temporary Transfer

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation. The Department shall approve the request provided it does not cause injury to existing water rights or expand the water use. If after the change is approved, it is found to cause injury, the approved change may be revoked. The use of water reverts to the authorized place of use upon expiration of the temporary change.

Notice is given that the following applications for Temporary Transfers have been received by the Department:

County: BAKER/UNION
Transfer: 11006
Water Right: CERT 79534,1493
Priority Date: 1870,1893
Name: ALVA R. & SUSAN C. MASCALL
Address: PO BOX 249, NORTH POWDER OR 97867
Change: POU/POD
Source: NORTH POWDER RIVER

County: CROOK
Transfer: 11007
Water Right: CERT 83658,83657
Priority Date: 1880,1868
Name: MILL CREEK LAND LLC
Address: 7900 NE MILL CREEK RD, PRINEVILLE OR 97754
Change: POU
Source: OCHOCO CREEK/MILL CREEK

District Permanent Transfers (ORS 540.580)

A district may request to permanently change the place of use within district boundaries. A district may provide notice to the Department of a change before it is made, and shall submit a district permanent application prior to the end of the calendar year in which the change occurs. The Department shall approve the transfer application provided it does not cause injury to existing water rights or expand the water use. The final order approving the permanent transfer is subject to protest.

This public notice also includes district notices of proposed changes. The Department will accept comments on injury and enlargement of changes in place of use associated with the notice and use those comments in the review of the proposed change.

The Department seeks public comment on recently filed district transfer applications listed below. The deadline for comments or protests to the transfer application must be received by the Department on or before February 18, 2010. The Department will hold a contested case hearing if: 1) a protest and \$600 protest fee for non-applicant and \$300.00 protest fee for applicant are received within the time allowed; or 2) the Department finds a hearing is needed to determine whether the proposed changes would result in injury to existing rights. (If a water user believes that a proposed change could injure a water delivery within a district's boundaries, the matter will be resolved directly between the district and the water user.)

County: UMATILLA
Transfer: 11001
Water Right: UMATILLA RIVER DECREE V.3 P.242
Priority Date: 1904,1905
Name: HERMISTON IRRIGATION DISTRICT
Address: 366 E HURLBURT AVE, HERMISTON OR 97838
Change: POU
Source: MAXWELL CANAL

County: JEFFERSON
Transfer: 11003
Water Right: CERT 72279,72281,72283
Priority Date: 1913,1955,1968
Name: NORTH UNIT IRRIGATION DISTRICT
Address: 204 NW BEECH STREET, MADRAS OR 97741
Change: POU
Source: DESCHUTES RIVER/WICKIUP RES/HAYSTACK RES
COLUMBIA RIVER

Water Management and Conservation Plans

The Department is required to give notice and to invite public review and comment on Water Management and Conservation Plans submitted pursuant to OAR Chapter 690, Division 086. The Department will consider all public comments in its review of the draft plan and will report the results of the review to the water supplier 90 days from the time the plan was submitted.

Any person may review and comment on a draft plan on or before February 18, 2010. The plans are available for viewing at the Salem office of the Water Resources Department. Comments should focus on elements in the draft that do not meet the requirements of OAR Chapter 690, Division 086 and should include suggestions on how to bring the draft into compliance with the rules.

Plans have been submitted by the following agricultural and municipal water suppliers:

Coos Bay-North Bend Water Board (Municipal)

To review any of the above plans or to provide comments on the plans, contact Lisa Jaramillo at 503-986-0880 or lisa.j.jaramillo@wrd.state.or.us.

**OREGON
WATER
RESOURCES
DEPARTMENT**



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

January 19, 2010

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number
(e.g. "Permit Application G-12345" or "Transfer T-1234"):
enclosed)*

Mail me the order
(payment

Your Name, Address, and Phone Number:

* We are required by law to charge a fee of \$20 to mail a copy of a proposed and final order on a pending water right application or permit extension to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$20 for each type of order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final order and final order are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)