

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
February 9, 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.
- * **Water Right Cancellations**
Abandonment of perfected and developed water rights and requests to cancel all or a portion of rights.
- * **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.
- * **Application for Instream Lease**
Application by water right holder to lease existing water rights to instream use.
- * **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 Preliminary Determinations**
Requests to change point of diversion or appropriation, place of use, and character of use upon which the public may protest the application and Department's preliminary determination.
- * **District Temporary Transfers (ORS 540.570)**
Applications requesting transfers in place of use within a district's boundaries.
- * **District Permanent Transfers (ORS 540.580)**
Petitions requesting transfers in place of use within a district's boundaries.

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, March 11, 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 26, 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	EUGENE OR 97123	16.00S 03.00W 19 NESW	Lane	01/29/2002	0.3700 C	IR	3
	02 A WELL > SPRING CR							
	Uses: IR							

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:

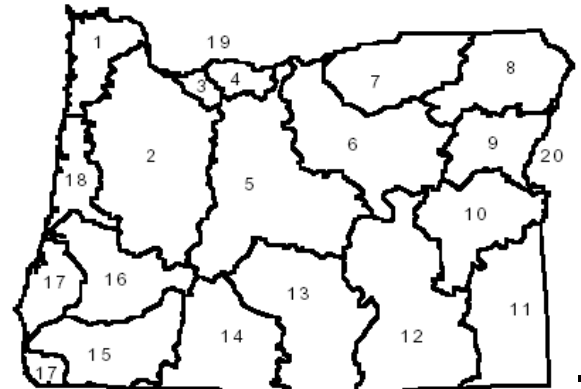
- * Basin number (see map below right)
 - * Source > what it flows into
 - (in the case of wells, this describes the basin in which the well is located)
 - * General legal description
 - * County & Priority date
 - * Amount
 - * Unit of measure:
 - C: cubic feet per second
 - G: gallons per minute
 - 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
G-17190	KNIFE RIVER INC. KNIFE RIVER INC.	32260 OLD HWY 34 TANGENT OR	97389				PFO 2
2	A WELL > WILLAMETTE RIVER	15.00S 4.00W 9 NESE	Lane	03/17/2009	0.445C	(est)	
2	A WELL > WILLAMETTE RIVER	15.00S 4.00W 9 SENE	Lane	03/17/2009	0.445C	(est)	
Uses:	IM						
S-87567	SEELY, MICHAEL P.	18865 HERMO RD CLATSKANIE OR	97016				IR 2
1	MCLEAN SLOUGH > DOBBINS SLOUGH	8.00N 4.00W 33 NWSE	Columbia	01/05/2010	1.625C		
Uses:	IR						
G-17273	BEAN, WAYNE	78624 EASTREGAARD RD BOARDMAN OR	97818				PFO 2
7	A WELL > COLUMBIA RIVER	4.00N 25.00E 15 SESE	Morrow	10/19/2009	0.122C		
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-17142	7	UMAT	11/14/2008		TOM RUGG	01/28/2010
R-87304	6	MORR	10/09/2008		GERALD PETERSON	01/28/2010
R-87501	14	JACK	08/03/2009		MARK BOYDEN	01/28/2010
R-87543	7	MORR	10/22/2009		TOMMY LENTZ	01/28/2010
R-87552	2	CLAC	08/31/2009		KEN LIND	01/28/2010
S-86956	5	DESC	08/03/2007	U.S. FOREST SERVICE		01/28/2010
G-16976	5	CROO	12/06/2007		DAVID CHRISTENSEN	02/04/2010
G-17095	12	HARN	08/19/2008		JAMES SHEPHERD	02/04/2010
G-17117	10	MALH	10/03/2008		AARON ARRIOLA	02/04/2010
G-17164	2	WASH	01/20/2009		VICKI ABTIN	02/04/2010
G-17198	9	BAKE	03/30/2009	HAY INC.	JASON WILLIAMS	02/04/2010
R-87541	15	JACK	10/22/2009	JOHN C HILL REVOCABLE LIVING TRUST	JOHN HILL	02/05/2010
S-87159	2	YAMH	04/24/2008	MCKEE FAMILY LTD PARTNERSHIP	DEBBIE MCKEE	02/05/2010
R-87137	15	JACK	04/03/2008		ABRAHAM HARRIS	02/08/2010
R-87460	6	GRAN	05/29/2009	E GERALD SHAW RANCES INC.		02/08/2010

Application	Basin	County	Priority	Company	Name	FO Date
R-87505	2	MARI	08/04/2009		JAYNE MILLER	02/09/2010
R-87551	2	POLK	08/26/2009	WEISENSEE LIVING TRUST	MARK WEISENSEE	02/09/2010
S-86850	5	DESC	05/02/2007		L SCOTT LETOURNEA	02/09/2010
S-86904	5	DESC	06/22/2007		JOAN PEASE	02/09/2010
S-87302	5	KLAM	10/07/2008		TIMOTHY GODSIL	02/09/2010
S-87542	16	DOUG	10/20/2009		BRADFORD LAVANWAY	02/09/2010

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 April 10, 2010.

R-87572

TRUEBLOOD, NANCY
1290 ASH CREEK RD
RIDDLE OR 97469

POD: 1 MITCHELL CREEK > SHOESTRING CREEK
NE 1/4 SW 1/4 Section 31T 30.00S R 5.00W WM
Douglas County
1.0 A for MULTIPLE PURPOSE

R-87574

MCCALL, JOHN
40942 HILLCREST LOOP RD
ASTORIA OR 97103

POD: 1 RUNOFF > HILLCREST CREEK
NW 1/4 NE 1/4 Section 26T 8.00N R 8.00W WM
Clatsop County
0.26 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.

Licenseses must maintain a record of how much water they are using (ORS 537.143). **The Department may approve a license after February 23, 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-1274

RUBY PIPELINE LLC

GREDVIG, DAN

RM 518, PO BOX 1087

COLORADO SPRINGS CO 80944

AND ...

SUSSMAN, ADAM

1600 WESTERN BLVD SUITE 240

CORVALLIS OR 97333

POD: 1 RENNER RES > DRY CR

SW ¼ SE ¼ SECTION 17 T 41.00S R 18.00E WM

Lake County

350.0 GPM (not to exceed 3.4 MG annually)

For GENERAL CONSTRUCTION

(including but not limited to trenching, road

construction, equipment washing, dust abatement, etc)

LL-1275

MILLER, ROY

MILLER, DEBBY

PO BOX 1046

SISTERS OR 97759

POD: 1 A WELL > CARLSON CR

NE ¼ SE ¼ SECTION 16 T 36.00S R 33.00E WM

Harney County

.11 C For START AND MAINTAIN DROUGHT RESISTANT RESCUE

FOR SOIL STABILIZATION

LL-1276

ROLAND, JIM

1025 SMITH DR

VALE OR 97918

POD: 1 BREWERY SPRING > WISER CR

SE ¼ NE ¼ SECTION 1 T 14.00S R 41.00E WM

Malheur County

0.003 (est.) For MINING

POD: 2 BREWERY SPRING > WISER CR

SE ¼ NW ¼ SECTION 36 T 13.00S R 41.00E WM

Malheur County

0.003 (est.) For MINING

Water Right Cancellations

ORS 540.621 authorizes the Director to issue an order canceling a perfected and developed water right whenever the owner certifies under oath that the right has been abandoned and requests a cancellation of the right.

The Department has received affidavits from owners of land to which a water right is appurtenant stating the owner has abandoned the water right, and requesting that the Department cancel portions of the right appurtenant to the land.

The Department proposes to issue orders canceling all or a portion of the following water right(s):

COUNTY:	HOOD RIVER
WATER RIGHT CERTIFICATE:	11318, IN THE NAME OF SCHOOL DISTRICT #1 - HOOD RIVER COUNTY HOOD RIVER COUNTY
PRIORITY DATE:	MARCH 20, 1933
SOURCE:	UNN SPRING > COLUMBIA R R
LANDOWNER:	CITY OF CASCADE LOCKS
ADDRESS:	140 WANAPA, CASCADE LOCKS, OR 97014
USE:	SCHOOL PURPOSES (DOMESTIC)
QUANTITY:	0.07 CFS
ACRES:	
LOCATION:	T2N,R7E,12,SWNE

**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 26, 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:	Yamhill
Application File Number:	G-15287
Permit Number:	G-15630
Applicant:	WILLAMETTE FARMS HALL, BRUCE M.
Address:	PO BOX 90427 PORTLAND OR 97290
River Basin:	Willamette Basin
Water Source:	TWO WELLS > WILLAMETTE RIVER
Authorized Use of Water:	IRRIGATION OF 26.4 ACRES
Maximum Diversion/ Appropriation Rate:	0.15 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2008 to October 1, 2010.

County of Use: Deschutes
Application File Number: G-15773
Permit Number: G-15357
Applicant: ROTH, DAVID; JANETTE ROTH
Address: PO BOX 358
CHRISTMAS VALLEY OR 97641
AND ...
NORTHWEST FARM CREDIT SERVICES FLCA
PO BOX 607
559 SW SEVENTH ST
REDMOND OR 97756
AND ...
ROSS JR, ROBERT G.; NANETTE ROSS
2222 NW KLINE ST
ROSEBURG OR 97470
AND ...
ROTH, STEPHEN F.; CLANCY ROTH
41600 HWY 20
BROTHERS OR 97712
River Basin: Deschutes Basin
Water Source: FOUR WELLS > CAMP CR
Authorized Use of Water: IRRIGATION ON 1375.0 Acres
Maximum Diversion/
Appropriation Rate: 17.2 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2007 to October 1, 2010.

Applications for Instream Lease

ORS 537.348 authorizes a water right holder to lease their existing water right(s) to instream use for a limited time. For the term of the lease, the water right holder agrees to suspend use of water under the original right. The state is the trustee for water rights leased for instream use. OAR 690-077-0077 requires that the Department public notice the lease applications.

The deadline for submitting claims of injury to existing water rights or enlargement of the original right against a lease application is March 02, 2010. Parties to the lease, including the Department, will review any such claims before the lease is finalized. The lease files are available for viewing at the Salem office of the Water Resources Department.

County: Douglas

Instream Lease Number: IL 211

Lessor:
NORTHCRAFT, RON
1685 NW HOPPER
ROSEBURG OR 97470

Contact: KODY THURGOOD at 503-986-0892

Reach: POD TO MOUTH OF NORTH UMPQUA RIVER

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
80887	RR * S 20108	01/13/1951	IR	0.027	5.475	NORTH UMPQUA RIVER	UMPQUA RIVER	2.19

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 March 11, 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: KLAMATH
Transfer: 11013
Water Right: CERT 65355
Priority Date: 1981
Name: OREGON INSTITUTE OF TECHNOLOGY
Address: 3201 CAMPUS DRIVE, KLAMATH FALLS, OR 97601
Change: USE
Source: WELLS

County: MULTNOMAH
Transfer: 11014
Water Right: CERT 35590,44645
Priority Date: 1962,1968
Name: PORTLAND STATE UNIVERSITY
Address: PO BOX 751, PORTLAND, OR 97207
Change: POU/POA/APOA
Source: WELL

Transfer Preliminary Determinations

A Preliminary Determination provides the Department's conclusion as to whether a proposed change in place of use, point of diversion or appropriation, or character of use of an existing water right should be approved. Changes of water rights may be proposed in an application for transfer (including instream, historic POD, exchange, substitution or ground water registration modification).

The Department has issued preliminary determinations on the transfer applications listed below. In addition to this notice, the Department is complying with ORS 540.520(2) that requires publication of notice in a local newspaper for all transfers except those proposing a change in place of use only or a change in point of diversion of less than ¼ mile where there are no intervening diversion points.

Any person may protest the application and preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-0900, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant and \$300.00 protest fee for applicant. A Water Right Transfer Protest Form is available at <http://www.oregon.gov/OWRD/PUBS/forms.shtml> or by calling 503-986-0888. Protests must be received by the Department on or before March 11, 2010, or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

T-10935 filed by PERRYDALE DOMESTIC WATER ASSOCIATION, 14175 W. PERRYDALE ROAD, AMITY, OR 97101, proposes a change in place of use and a change in character of use under Certificate 45798. The right allows the use of 0.33 CUBIC FOOT PER SECOND (priority date DECEMBER 18, 1972) from a well in Sec. 25, T 6 S, R 4 W, W.M. (Willamette Basin) for IRRIGATION in Sec. 25 and 36. The applicant proposes to change the place of use to the Perrydale Domestic Water Association Service Area in T 5 S, R 4-6 W; T 6 S, R 3-6 W; and T 7 S, R 4-6 W, W.M.; and to change the character of use to Quasi-Municipal. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-10928 filed by M C. OTIS, PO BOX 489, 2200 LONE ROCK RD., GLIDE OR 97443, proposes an additional point of diversion and a change in place of use under Certificate 43956 . The right allows the use of 0.125 CUBIC FOOT PER SECOND (priority date FEBRUARY 27, 1930) from BRITT CREEK in Sec. 10, T 26S, R 3W, W.M. for IRRIGATION AND DOMESTIC in Sec. 10. The applicant proposes an additional point of diversion approximately ¼ mile downstream in Sec. 10, T 26S, R 3W, W.M. and to change the place of use to Sec. 10, T 26S, R 3W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-10879 filed by Robert Levy, 822 S. Hwy 395, #423, Hermiston, Oregon 97838, proposes a change in place of use under Certificates 79442, 79440, 76113, 54084, and Permit S-54406, and additional points of appropriation under Certificates 54753, 54084, and 53662. The affected rights allow the use of 5.25 cfs (priority dates March 8, 1905 for Certificate 79442 and June 23, 1965 for Certificate 76113) from a point of diversion in Sec. 31, T3N, R30E, W.M. (Umatilla River Basin), and 3.33 cfs (priority dates February 25, 1977 for Certificate 53662 and July 12, 1984 for Certificate 54753) from a well in Sec. 20, T4N, R29E, W.M., for irrigation in Sec. 20, T4N, R29E, W.M.

T-10559 filed by ANGELA LATHROP, NAOMI LATHROP, and TOM ANTHONY, 200 DAVIDSON ROAD, WILLIAMS OR 97544, proposes a change in points of diversion under Certificates 36709, 31682, and 35746. The rights allow the use of 0.629 CUBIC FOOT PER SECOND (priority date APRIL 1900 (0.55 cfs), JULY 17, 1946 (0.016 cfs), May 19, 1964 (0.063 cfs)) from the WEST FORK of WILLIAMS CREEK in Sec. 8, T 39 S, R 5 W, W.M. for IRRIGATION in Sec. 4. The applicant proposes to move the points of diversion approximately ¾ mile downstream to Sec. 4, T 39 S, R 5 W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

District Temporary Transfers (ORS 540.570)

A district with a manager may request to temporarily make the following changes in water rights within district boundaries for one irrigation season: (1) The place of use of a water use subject to transfer; (2) The point of diversion/appropriation to facilitate a change in place of use; (3) The type of use from a primary right to a supplemental right; and (4) From a surface water point of diversion to a ground water appropriation.

The Department shall approve the request provided it does not cause injury to existing right or expand the water use. A district temporary transfer may be conditioned or revoked at any time to avoid injury to other water rights. The use of water reverts to the authorized place of use, type of use, point of diversion/appropriation upon expiration of the temporary change.

The Department seeks public comments on the recently filed district temporary transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before March 11, 2010. The Department shall consider the comments in determining whether to condition, reject, or revoke a temporary district transfer.

County:	DESCHUTES
Transfer:	11012
Water Right:	CERT 76619
Priority Date:	1938
Name:	TUMALO TOWN DISTRICT IMPROVEMNT
Address:	64682 COOK AVENUE #54, BEND, OR 97701
Change:	POU
Source:	DESCHUTES RIVER

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 March 11, 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:	BAKER
NOTICE OF DISTRICT	
PERMANENT TRANSFER:	NOTICE #2010-02
CERTIFICATE:	73402, 73411, 82969
PRIORITY DATE:	1889, 1880, 1868
NAME:	POWDER VALLEY WATER CONTROL DISTRICT
ADDRESS:	PO BOX 189, NORTH POWDER, OR 97867
CHANGE:	POU
SOURCE:	ROCK CREEK/BIG MUDDY CREEK
ACRES:	134.1
AUTHORIZED POU:	T8S R39E 7 T7S R38E 24 T7S R39E 19
PROPOSED POU:	T8S R39E 7,19,24 T7S R38E 24

**OREGON
WATER
RESOURCES
DEPARTMENT**



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

February 9, 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.)