

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
March 23, 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.
- * **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.
- * **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.
- * **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.
- * **Transfer Applications: Permit Amendments**
Requests to amend permits.
- * **District Permanent Transfers (ORS 540.580)**
Petitions requesting transfers in place of use within a district's boundaries.

- * **Establishment of Mitigation Credits in the Deschutes Basin pursuant to OAR Chapter 690, Division 521 (ORS 537.746)**
- * **Notice of Open Comment Period Public Hearing on Hydroelectric Application Reedsport OPT Wave Park Project**

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, April 22, 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, May 07, 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 | EUGENE OR 97123 | 16.00S 03.00W 19 NESW | Lane | 01/29/2002 | 0.3700 C | IR | 3 |

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:

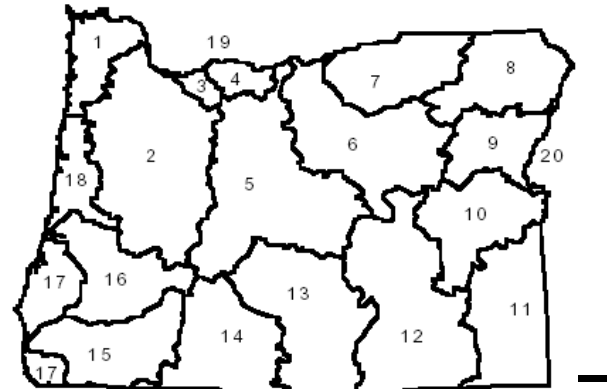
- * Basin number (see map below right)
 - * Source > what it flows into
(in the case of wells, this describes the basin in which the well is located)
 - * General legal description
 - * County & Priority date
 - * Amount
 - * Unit of measure:
 - C: cubic feet per second
 - G: gallons per minute
 - A: 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-17301 | EVANS, KEVIN 23400 E EVANS CREEK RD WHITE CITY OR 97503 | | | | | | IR 3 |
| Uses: 15 IS | A WELL > EVANS CREEK | 33.00S 2.00W 33 SWSW | Jackson | 02/01/2010 | 0.111A | | |
| G-16874 | SUNRIVER WATER LLC SUNRIVER WATER LLC PO BOX 3699 SUNRIVER OR 97707 | | | | | | PFO 2 |
| Uses: 5 QM | A WELL > DESCHUTES RIVER | 20.00S 11.00E 5 NENE | Deschutes | 06/19/2007 | 3.9C | | |
| G-17272 | SAMPSON, WILLIAM 69566 PAINT BRUSH LANE SISTERS OR 97759 | | | | | | PFO 2 |
| Uses: 5 IR | A WELL > INDIAN FORD CREEK | 14.00S 10.00E 33 NWNE | Deschutes | 10/09/2009 | 0.075C | | |
| S-87311 | COLEMAN, CRAIG 33896 E WALLS RD HERMISTON OR 97838 | | | | | | PFO 2 |
| Uses: 7 IR IS | COLUMBIA RIVER > PACIFIC OCEAN | 5.00N 30.00E 7 SWSE | Umatilla | 10/16/2008 | 4.3C | | |
| S-87560 | MCCALL, DONALD 3465 TANAGER CIRCLE CONCORD CA 94520 | | | | | | PFO 2 |
| Uses: 18 DO | CLEAWOX LAKE > WOHINK LAKE | 19.00S 12.00W 3 SESW | Lane | 12/10/2009 | 0.005C | | |
| G-17065 | BURBANK, KENNETH H. 2101 MAIN ST BAKER CITY OR 97814 | | | | | | PFO 2 |
| 5 | A WELL > DRY RIVER | 20.00S 17.00E 19 NWSW | Deschutes | 06/05/2008 | 0.6675C (est) | | |
| 5 | A WELL > DRY RIVER | 20.00S 17.00E 19 SWSW | Deschutes | 06/05/2008 | 0.6675C (est) | | |
| 5 | A WELL > DRY RIVER | 20.00S 17.00E 30 NWSW | Deschutes | 06/05/2008 | 0.6675C (est) | | |
| 5 | A WELL > DRY RIVER | 20.00S 17.00E 30 SWSW | Deschutes | 06/05/2008 | 0.6675C (est) | | |
| Uses: IR | | | | | | | |
| G-17214 | GIORGI, JOHN PO BOX 116 GAZELLE CA 96034 | | | | | | PFO 2 |
| Uses: 5 IR | A WELL > ALKALI CREEK | 17.00S 23.00E 2 NESE | Crook | 05/11/2009 | 1.09C | | |

| App# | Basin Source | Township/Range | County | Priority | Quantity | Stage | Status |
|-------------------------|---|-----------------------|------------|------------|--------------|-------|--------|
| G-17217 | HERMRECK AT THE Y RANCH LLC HERMRECK AT THE Y RANCH LLC PO BOX 36 PAULINA OR | | | 97751 | | | PFO 2 |
| 5 | A WELL > PAULINA CREEK | 17.00S 23.00E 1 NESE | Crook | 05/13/2009 | 2.0C | | |
| Uses: | IR | | | | | | |
| G-17225 | PINE VALLEY LAND LLC PINE VALLEY LAND LLC 40117 PINE TOWN LANE HALFWAY OR | | | 97834 | | | PFO 2 |
| 9 | A WELL > DEER GULCH | 8.00S 46.00E 25 NENE | Baker | 05/22/2009 | 2.322C (est) | | |
| 9 | A WELL > SAG CREEK | 8.00S 46.00E 25 NWNE | Baker | 05/22/2009 | 2.322C (est) | | |
| 9 | A WELL > PINE CREEK | 8.00S 46.00E 26 NENE | Baker | 05/22/2009 | 2.322C (est) | | |
| 9 | A WELL > DEER GULCH | 8.00S 46.00E 25 NENE | Baker | 05/22/2009 | 2.322C (est) | | |
| 9 | A WELL > SAG CREEK | 8.00S 46.00E 24 SWSE | Baker | 05/22/2009 | 2.322C (est) | | |
| Uses: | AG IS | | | | | | |
| G-17247 | TZIO, SEE SANG 30140 SW GRABEL RD HILLSBORO OR | | | 97123 | | | PFO 2 |
| 2 | A WELL > TUALATIN RIVER | 1.00S 2.00W 18 SWSW | Washington | 07/08/2009 | 0.012C | | |
| Uses: | IR | | | | | | |
| G-17264 | THORNE, BRIAN 67029 S NEWTON RD BURNS OR | | | 97720 | | | PFO 2 |
| 12 | A WELL > MALHEUR SLOUGH | 24.00S 32.50E 12 NESE | Harney | 09/22/2009 | 1.0C | | |
| Uses: | IR | | | | | | |
| G-17276 | LANE FOREST PRODUCTS INC. LANE FOREST PRODUCTS INC. 2111 PRAIRIE RD EUGENE OR | | | 97402 | | | PFO 2 |
| 2 | A WELL > FLAT CREEK | 16.00S 4.00W 17 SWNE | Lane | 10/21/2009 | 0.67C | | |
| Uses: | IM | | | | | | |
| G-17238 | LONGFELLOW, CLYDE 80765 N OTT RD HERMISTON OR | | | 97838 | | | PFO 2 |
| 7 | A WELL > HAT ROCK DRAIN | 5.00N 29.00E 31 NWSW | Umatilla | 06/22/2009 | 0.037C | | |
| Uses: | IR | | | | | | |
| G-17290 | DAWSON, BENJAMIN LLC 9500 GREENWOOD AVE N SEATTLE WA | | | 98103 | | | PFO 2 |
| 2 | A WELL > HOWELL PRAIRIE CREEK | 7.00S 2.00W 11 SESW | Marion | 12/01/2009 | 0.5C | | |
| 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-16997 | 12 | HARN | 01/28/2008 | | STEVE RICKMAN | 03/11/2010 |
| G-17085 | 2 | CLAC | 07/17/2008 | SCENIC FRUIT CO. | | 03/11/2010 |
| G-17230 | 2 | CLAC | 06/03/2009 | | VERNON BRUCK | 03/11/2010 |
| R-87432 | 1 | COLU | 04/01/2009 | | BERNIE REINBOLD | 03/11/2010 |
| G-16007 | 2 | CLAC | 05/13/2003 | | WENDY CHADSEY | 03/18/2010 |
| G-16669 | 2 | LINN | 05/15/2006 | | LARRY SPIRES | 03/18/2010 |
| G-17183 | 8 | UNIO | 02/26/2009 | SCHWABE, WILLIAMSON, AND WYATT P C | MARTHA PAGEL | 03/18/2010 |
| R-86935 | 5 | CROO | 06/29/2007 | | GARY YOUNG | 03/18/2010 |
| R-86947 | 14 | KLAM | 07/03/2007 | | DARLA BARTELL | 03/18/2010 |
| R-86949 | 14 | KLAM | 07/03/2007 | | DARLA BARTELL | 03/18/2010 |
| R-87020 | 17 | CURR | 10/31/2007 | COVENTRY FARMS LLC | ADRIENNE GOOD | 03/18/2010 |
| R-87021 | 17 | CURR | 10/31/2007 | COVENTRY FARMS LLC | ADRIENNE GOOD | 03/18/2010 |
| R-87022 | 17 | CURR | 10/31/2007 | COVENTRY FARMS LLC | ADRIENNE GOOD | 03/18/2010 |
| S-86774 | 15 | CURR | 02/15/2007 | G B CONSERVATORY LLC | | 03/18/2010 |
| S-87556 | 16 | DOUG | 11/25/2009 | | JAMES FOSS | 03/18/2010 |
| G-17246 | 2 | YAMH | 06/30/2009 | | JOHN MCGHEHEY | 03/23/2010 |

**Applications for Extensions of Time
to Perfect Water Right Permits filed pursuant to OAR 690-315**

Consistent with OAR 690-315-0050, the Department will accept public comment on the following extension applications until April 22, 2010. Following the comment period, the Department will prepare and issue a proposed final order. Individuals who would like a copy of the proposed final order may request copies by sending a request and \$20 (the charge required by law). Please indicate the file number. Copies of the proposed final order may be viewed at the Department and/or self copied. Individuals wishing to obtain a copy of the extension application should contact the Department by phone or in person.

Extension file information is included in the following format:

- (a) Application Number;
- (b) Permit number;
- (c) Applicant name and address;
- (d) County of application;
- (e) Common name of water source(s) listed in the permit;
- (f) Amount of water use permitted in gallons per minute (gpm), cubic feet per second (cfs) or acre feet (af) of storage;
- (g) Use allowed in the permit;
- (h) Proposed extended date of completion as requested by the extension applicant;

Application Number: G-15579
Permit Number: G-15272
WILLIAMS, RAY
49654 UMAPINE RD
MILTON FREEWATER OR 97862
Umatilla County
EIGHT WELLS > PINE CREEK
15.81 CFS
DAIRY USE, PRIMARY IRRIGATION OF 4.6 ACRES AND SUPPLEMENTAL
IRRIGATION OF 1198.9 ACRES
October 1, 2017

**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 May 07, 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: | G-14691 |
| Permit Number: | G-13631 |
| Applicant: | A & R SPADA FARMS LLC SPADA, ANGELO |
| Address: | 7251 ST PAUL HWY NE SAINT PAUL OR 97137 |
| River Basin: | Willamette Basin |
| Water Source: | A WELL > WILLAMETTE RIVER |
| Authorized Use of Water: | IRRIGATION ON 13.5 Acres |
| Maximum Diversion/ Appropriation Rate: | 0.169 CFS |

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2003 to October 1, 2015.

County of Use: Yamhill
Application File Number: G-15085
Permit Number: G-13990
Applicant: MOMTAZI FAMILY LLC;
MOMTAZI, MOE
Address: 2083 COLVIN COURT
MCMINNVILLE OR 97128
River Basin: Willamette Basin
Water Source: FIVE WELLS > MUDDY CREEK
Authorized Use of Water: PRIMARY IRRIGATION OF 9.83 ACRES, SUPPLEMENTAL
IRRIGATION OF 405.42 ACRES AND NURSERY OPERATIONS
OF 0.05 ACRES
Maximum Diversion/
Appropriation Rate: IRRIGATION USE, 0.239 CFS, BEING 0.033 CFS FROM WELL 1,
0.033 CFS FROM WELL 2, 0.04 CFS FROM WELL 4; 0.022 CFS FROM WELL 5, AND 0.11 CFS FROM
WELL 6; NURSERY OPERATION, 0.033 CFS FOR NURSERY OPERATIONS FROM WELL 1 ON 0.05
ACRES.

Recommendation: The department proposes to grant an extension of time to apply
water to full beneficial user from October 1, 2005 to October 1, 2015.

County of Use: Yamhill
Application File Number: G-15263
Permit Number: G-15429
Applicant: DAYTON PUBLIC SCHOOLS
Address: 526 FERRY ST
DAYTON OR 97114
River Basin: Willamette Basin
Water Source: TWO WELLS > PALMER CREEK
Authorized Use of Water: IRRIGATION ON 16.05 Acres
Maximum Diversion/
Appropriation Rate: 0.2 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, 2025.

County of Use: Yamhill
Application File Number: G-15307
Permit Number: G-15385
Applicant: YAMHILL VALLEY VINEYARDS
Address: 16250 SW OLDSVILLE RD
MCMINNVILLE OR 97128
River Basin: Willamette Basin
Water Source: FOUR WELLS > MUDDY CREEK
Authorized Use of Water: IRRIGATION ON 141.46 Acres
Maximum Diversion/
Appropriation Rate: 0.353 CFS, BEING 0.11 CFS FROM WELL 1, 0.025 CFS
FROM WELL 2, 0.05 CFS FROM WELL 3 AND 0.168 CFS FROM WELL 4

Recommendation: The department proposes to grant an extension of time to apply
water to full beneficial user from October 1, 2007 to October 1, 2012.

County of Use: Clackamas
Application File Number: G-15567
Permit Number: G-15646
Applicant: NEUSCHWANDER, JOEL
GENTRY, LEO
Address: 6097 S WHISKEY HILL RD
HUBBARD OR 97032
River Basin: Willamette Basin
Water Source: TWO WELLS > BEAR CREEK
Authorized Use of Water: NURSERY USES ON 174.09 Acres
Maximum Diversion/
Appropriation Rate: 1.604 CFS, BEING 1.114 CFS FROM WELL 1 AND 0.490 CFS
FROM WELL 2

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2008 to October 1, 2015.

County of Use: Washington
Application File Number: G-15682
Permit Number: G-15443
Applicant: MILLER, THOMAS C.
Address: PO BOX 1604
SHERWOOD OR 97140-1604
River Basin: Willamette Basin
Water Source: A WELL > TUALATIN RIVER BASIN
Authorized Use of Water: IRRIGATION ON 20.40 Acres
Maximum Diversion/
Appropriation Rate: 0.255 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, 2015.

County of Use: Yamhill
Application File Number: S-84126
Permit Number: S-53672
Applicant: MOMTAZI FAMILY LLC;
MOMTAZI, MOE
Address: 2083 CALVIN COURT
MCMINNVILLE OR 97128
River Basin: Willamette Basin
Water Source: MOMTAZI RES 1 > MUDDY CREEK
MOMTAZI RES 2 > SOUTH YAMHILL RIVER
UNNAMED STREAM 2 > SOUTH YAMHILL RIVER
Authorized Use of Water: IRRIGATION ON 405.4 Acres
Maximum Diversion/
Appropriation Rate: LIVE FLOW, 4.01 CFS FROM UNNAMED STREAM 2; STORED WATER,
95.0 AF, BEING 14.0 AF FROM RESERVOIR 1 AND 81.0 AF FROM RESERVOIR 2

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2004 to October 1, 2015.

Application for Limited License

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 April 6, 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-1282
PacifiCorp
Claudia Conder
1407 W. North Temple #110
Salt Lake City, UT 84116

POD: Klamath River > Pacific Ocean
NW ¼ NW ¼ Section 6, Township 40 South, Range 7 East, W.M.
Klamath County
500 cfs for additional hydroelectric generation at the JC Boyle powerhouse

For Further Information Contact: Mary Grainey 503-986-0833 or Mary.S.Grainey@wrд.state.or.us .

LL-1283
E G M LLC
FRIES, GREG
PO BOX 429
DUNDEE OR 97115

POD: 1 GALESVILLE RES > COW CR
SW ¼ SW ¼ Section 30 T 25.00 S R 06.00 W WM
Douglas County
2.65 CFS for IRRIGATION 211.8 ACRES

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 April 13, 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: Jefferson

Instream Lease Number: IL 372

Lessor:
CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE CT
REDMOND OR 97756

Lessor:
EAGLE CREST INC.
1522 CLINE FALLS ROAD
REDMOND OR 97756

Lessee:
DESCHUTES RIVER CONSERVANCY
P.O. BOX 1560
BEND OR

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM POD #1 TO LAKE BILLY CHINOOK

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|------------|------------|-----|-----------|-----------|-----------------|----------------|-------|
| 83571 | CF RR CR * | 10/31/1900 | IR, | 128.63 | | DESCHUTES RIVER | COLUMBIA RIVER | 72.2 |

Reach: FROM POD #11 TO LAKE BILLY CHINOOK

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|------------|------------|-----|-----------|-----------|-----------------|----------------|-------|
| 83571 | CF RR CR * | 10/31/2010 | IR | 393.52 | | DESCHUTES RIVER | COLUMBIA RIVER | 72.2 |

County: Jefferson

Instream Lease Number: IL 374

Lessor:
EBERHARD, RICHARD AND ROBYN
P.O. BOX 2191
REDMOND OR 97756

Lessor:
CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE COURT
REDMOND OR 97756

Lessee:
DESCHUTES RIVER CONSERVANCY
P.O. BOX 1560
BEND OR 97709

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM POD #11 TO LAKE BILLY CHINOOK

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|------------|------------|-----|-----------|-----------|-----------------|----------------|-------|
| 83571 | CF RR CR * | 10/31/1900 | IR | 5.45 | | DESCHUTES RIVER | COLUMBIA RIVER | 1.0 |

County: Deschutes

Instream Lease Number: IL 978

Lessor:
SWALLEY IRRIGATION DISTRICT
64672 COOK AVENUE, SUITE 1
BEND OR 97701

Lessor:
CURL, JERRY
CLR
703 NW STONEPINE DR.
BEND OR 97701

Lessee:
DESCHUTES RIVER CONSERVANCY
P.O. BOX 1560
BEND OR 97709

Contact: LAURA WILKE at (503) 986-0884

Reach: POD #12 TO MOUTH OF DESCHUTES RIVER

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|---------------|--------|----------|-----|-----------|-----------|-------------|--------------|-------|
| 74145 CF RR * | | 9/1/1899 | IR | 0.092 | 29.46 | DESCHUTES R | COLUMBIA R | 25.0 |

Reach: POD #13 TO MOUTH OF DESCHUTES RIVER

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|---------|----------|-----|-----------|-----------|-------------|--------------|-------|
| 74145 | CF RR * | 9/1/1899 | IR | 0.334 | 106.92 | DESCHUTES R | COLUMBIA R | 25.0 |

County: Jefferson

Instream Lease Number: IL 1034

Lessor:
CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE COURT
REDMOND OR 97756

Lessee:
DESCHUTES RIVER CONSERVANCY
P.O. BOX 1560
BEND OR 97709

Contact: LAURA WILKE at (503) 986-0884

Reach:

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|------------|------------|-----|-----------|-----------|-----------------|----------------|--------|
| 83571 | CF RR CR * | 10/31/2010 | IR | 1.97 | 632.64 | DESCHUTES RIVER | COLUMBIA RIVER | 116.07 |

County: Jefferson

Instream Lease Number: IL 1035

Lessor:
CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE COURT
REDMOND OR 97756

Lessee:
DESCHUTES RIVER CONSERVANCY
P.O. BOX 1560
BEND OR 97709

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM POD#11 TO LAKE BILLY CHINOOK AND TO THE MOUTH@ RM 0

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|------------|------------|-----|-----------|-----------|-----------------|----------------|-------|
| 83571 | CF RR CR * | 10/31/1900 | IR | 1.444 | 463.57 | DESCHUTES RIVER | COLUMBIA RIVER | 85.05 |

County: Jefferson

Instream Lease Number: IL 1042

Lessor:
CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE COURT
REDMOND OR 97756

Lessor:
CURL, JEAN
63135 COLE ROAD
BEND OR 97701

Lessee:
DESCHUTES RIVER CONSERVANCY
P.O. BOX 1560
BEND OR

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM POD#1 TO LAKE BILLY CHINOOK

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|------------|------------|-----|-----------|-----------|-----------------|----------------|-------|
| 83571 | CF RR CR * | 10/31/1900 | IR | 0.272 | 87.21 | DESCHUTES RIVER | COLUMBIA RIVER | 16.0 |

County: Jefferson

Instream Lease Number: IL 1043

Lessor:
WILEY, GARY AND NANCY
1896 S. WILBUR
WALLA WALLA OR 99362

Lessor:
CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE COURT
REDMOND OR 97756

Lessee:
DESCHUTES RIVER CONSERVANCY
P.O. BOX 1560
BEND OR

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM POD #11 TO LAKE BILLY CHINOOK

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|--------|----------|-----|-----------|-----------|--------|--------------|-------|
|-------|--------|----------|-----|-----------|-----------|--------|--------------|-------|

| | | | | | | | |
|------------------|------------|----|-------|--------|-----------------|----------------|------|
| 83571 CF RR CR * | 10/31/1900 | IR | 0.433 | 138.99 | DESCHUTES RIVER | COLUMBIA RIVER | 25.5 |
|------------------|------------|----|-------|--------|-----------------|----------------|------|

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 April 22, 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: | HARNEY |
| Transfer: | 11033 |
| Water Right: | CERT 76299 |
| Priority Date: | 1993 |
| Name: | GORDON BLOOMQUIST |
| Address: | 30042 WEAVER SPRINGS LANE, BURNS OR 97720 |
| Change: | 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 April 22, 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-7408 filed by Unified Sewerage Agency (now known as Clean Water Services - 16060 SW 85th Ave., Tigard, OR 97224) proposes a time-limited change in place of use and change in character of use under Certificate 22048. The right allows the use of 0.5 Cubic Foot per Second (CFS) (priority date September 19, 1951) from a diversion point in Sec. 8, T1S, R3W, W.M. on the Tualatin River for Irrigation in Sec. 8. The applicant proposes to temporarily create an instream use in the Tualatin River from the diversion point to the mouth of the Tualatin River at a rate of 0.5 CFS for a period of time until conditions to terminate the instream use are met. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540, OAR 690-380-5000 and OAR 690-077-0075.

T-9638 filed by Julian Ruiz, 4896 Waconda Road NE, Salem, OR 97303 proposes a change in point of appropriation under Certificate 85375. The right allows the use of 0.46 cubic foot per second (priority date March 1, 1993) from four wells in Sects. 5, 7, and 8, T 6 S, R 2 W, W.M. (Willamette Basin) for irrigation in Sects. 5 and 8. The applicant proposes to move the points of appropriation approximately between 1.0 and 0.25 miles east-northeast (Sec. 8, T 6 S, R 2 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.

T-10283 filed by ROGUE COMMUNITY COLLEGE, 3345 REDWOOD HWY, GRANTS PASS OR 97527, proposes an additional point of appropriation and a change in character of use under Certificate 35634. The right allows the use of 0.1114 CUBIC FOOT PER SECOND (priority date JULY 15, 1965) from two wells in Sec. 27, T 36 S, R 6 W, W.M. (Rogue Basin) for DOMESTIC USE AT A JOB CORP TRAINING CENTER. The applicant proposes an additional point of appropriation in Section 27 and to change the character of use to domestic, fire protection, irrigation, and supplemental irrigation in Sec 27, T 36 S, R 6 W, W.M.

T-10379 filed by ROGUE COMMUNITY COLLEGE, 3345 REDWOOD HWY, GRANTS PASS OR 97527, proposes two additional points of appropriation and a change in character of use under Certificate 83246. The right allows the use of 0.054 CUBIC FOOT PER SECOND (priority date APRIL 30, 1997) from a well in Section 27, T 36 S, R 6 W, W.M. (Rogue Basin) for DOMESTIC USE and IRRIGATION. The applicant proposes two additional points of appropriation in Section 27; and to change the character of use for a portion of the domestic use to fire protection in Sec. 27, T 36 S, R 6 W, W.M.

T-10783 filed by FRANK and LAUREN SPROUL, 52899 BIG CREEK RD, MYRTLE POINT, OR 97458, proposes a change in place of use and a change in character of use under Certificate 26280. The right allows the use of 0.01 CUBIC FOOT PER SECOND (priority date JULY 23, 1945) from BIG CREEK in Sec. 22, T 29 S, R 11 W, W.M. for IRRIGATION in T 29 S, R 11 W, W.M., Sec. 22. The applicant proposes to change the place of use to Sec. 22, T 29 S, R 11 W, W.M., and to change the character of use to DOMESTIC. 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-10974 filed by PHILIP H. AND LAVERN FORD MOERSHELL, 17233 S. NEWSOME CREEK RD, POST, OR 97752, proposes additional points of diversion and a change in place of use under Certificate 85880. The right allows the use of 0.60 CUBIC FOOT PER SECOND (priority date DECEMBER 31, 1890) from NEWSOME CREEK in Sec. 5, T 17 S, R 19 E, W.M. for IRRIGATION and LIVESTOCK USE in Sec. 32 and 33. The applicant proposes two additional points of diversion approximately 1/2 and 1 mile downstream (Sec. 32 and 33, T 16 S, R 19 E, W.M.) and to change the place of use of a portion of the right to a different location within Sec. 32, T 16 S, R 19 E, 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.

Transfer Applications: Permit Amendments

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU) pursuant to ORS 537.211 (4).

Notice is given that the following applications for Permit Amendments have been received by the Department. If the proposed change in point of diversion or appropriation is for a distance greater than 1/4 mile or includes intervening diversion points, notice also will be published in a local newspaper.

County: CLACKAMAS
Transfer: 11030
Water Right: PERMIT G-12941
Priority Date: 1994
Name: MHC MT HOOD VILLAGE LLC
Address: 8700 E UNIVERSITY, MESA, AZ 85207
Change: POU/APOA
Source: WELL

County: HARNEY
Transfer: 11031
Water Right: PERMIT G-16583
Priority Date: 2008
Name: PHILLIP & LORISSA SINGHOSE
Address: PO BOX 55, RILEY, OR 97758
Change: POU
Source: WELL

County: HARNEY
Transfer: 11032
Water Right: PERMIT G-16241
Priority Date: 2006
Name: GORDON BLOOMQUIST
Address: 30042 WEAVER SPRINGS LANE, BURNS OR 97720
Change: POA
Source: WELL

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 April 22, 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: HOOD RIVER
NOTICE OF DISTRICT
PERMANENT TRANSFER: NOTICE #2010-01
CERTIFICATE: 81340
PRIORITY DATE: 1895
NAME: EAST FORK IRRIGATION DISTRICT
ADDRESS: PO BOX 162, ODELL OR 97044
CHANGE: POU
SOURCE: EAST FORK HOOD RIVER
ACRES: 0.25
AUTHORIZED POU: T2N R10E 25
PROPOSED POU: T2N R10E 25

COUNTY: HOOD RIVER
NOTICE OF DISTRICT
PERMANENT TRANSFER: NOTICE #2010-02
CERTIFICATE: 81340
PRIORITY DATE: 1895
NAME: EAST FORK IRRIGATION DISTRICT
ADDRESS: PO BOX 162, ODELL OR 97044
CHANGE: POU
SOURCE: EAST FORK HOOD RIVER
ACRES: 0.25
AUTHORIZED POU: T2N R10E 13
PROPOSED POU: T2N R10E 26

Establishment of Mitigation Credits in the Deschutes Basin

ORS 537.746 authorizes the Department to award mitigation credits in the Deschutes Basin to approved mitigation projects. Mitigation credits may be used in the Deschutes Basin, specifically the Deschutes Ground Water Study Area, to mitigate for the impacts of ground water use on surface water flows. Pursuant to OAR Chapter 690, Division 521, upon receipt of notification of a mitigation project, the Department shall give public notice of the intent to establish mitigation credits.

The public is invited to comment on establishment of mitigation credits for the project(s) described below. Comments must be received within 21 days of the date of this public notice. Comments should address the award of mitigation credits to the proposed project and its use for mitigation purposes. Included in this public notice is a preliminary determination as to the amount of mitigation credits that may be available from the proposed project.

Deschutes County

Mitigation Project #: MP-131

Project Applicant: Deschutes River Conservancy Mitigation Bank, Central Oregon Irrigation District and Eagle Crest, Inc.

Mitigation Project

And Process: Instream Lease Application IL-372 for Certificate 83571

Subbasin/Source: Middle Deschutes River Subbasin – Deschutes River, tributary to the Columbia River

Amount of Water: Proposed Instream: up to 1.627 CFS
Maximum Seasonal Volume –
522.15 AF

Current Use: Irrigation of 72.2 acres

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

Preliminary Mitigation

Credit Determination: 130.0 Mitigation Credits
May be available within the Middle Deschutes and General Zones of Impact

Contact: Laura Wilke, Phone: (503) 986-0884

Deschutes County

Mitigation Project #: MP-132

Project Applicant: Deschutes River Conservancy Mitigation Bank, Central Oregon Irrigation District and Jean Curl

Mitigation Project And Process: Instream Lease Application IL-1042 for Certificate 83571

Subbasin/Source: Middle Deschutes River Subbasin – Deschutes River, tributary to the Columbia River

Amount of Water: Proposed Instream: up to 0.272 CFS
Maximum Seasonal Volume – 87.21 AF

Current Use: Irrigation of 16.0 acres

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

Preliminary Mitigation

Credit Determination: 28.8 Mitigation Credits
May be available within the Middle Deschutes and General Zones of Impact

Contact: Laura Wilke, Phone: (503) 986-0884

Deschutes County

Mitigation Project #: MP-133

Project Applicant: Deschutes River Conservancy Mitigation Bank, Central Oregon Irrigation District and Gary and Nancy Wiley

Mitigation Project And Process: Instream Lease Application IL-1043 for Certificate 83571

Subbasin/Source: Middle Deschutes River Subbasin – Deschutes River, tributary to the Columbia River

Amount of Water: Proposed Instream: up to 0.433 CFS
Maximum Seasonal Volume – 138.99 AF

Current Use: Irrigation of 25.5 acres

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

Preliminary Mitigation

Credit Determination: 45.9 Mitigation Credits
May be available within the Middle Deschutes and General Zones of Impact

Contact: Laura Wilke, Phone: (503) 986-0884

**Notice of Open Comment Period
Public Hearing on Hydroelectric Application
Reedsport OPT Wave Park Project**

Wednesday, April 7, 2010 at 7:00 p.m.

**Reedsport High School
2260 Longwood Drive;
Reedsport, Oregon 97467**

Comments on this application for a new hydroelectric project are requested from interested citizens, organizations, governmental entities, and other parties. Comments are requested on the potential for cumulative impacts of this 10 buoy hydroelectric project. Requests for additional studies related to project impacts may also be submitted.

The application and supporting documents may be viewed at the Water Resources Department, 725 Summer Street NE, Salem, Oregon 97301. The project is also filed with the Federal Energy Regulatory Commission (FERC) as docket p-12713-002. This hearing will be held jointly with the FERC staff.

Comments may be submitted at the public hearing, or in writing to the Oregon Water Resources Department, 725 Summer Street NE, Salem, OR 97301, **by May 10, 2010**. Comments may also be sent by email to Mary.S.Grainey@ wrd.state.or.us

Application for a Major Hydroelectric Project off shore of Douglas County.

| | |
|------------------|---|
| Application #: | HE 591 |
| Applicant: | Reedsport OPT Wave Park, LLC. |
| Address: | 1590 Reed Road, Pennington, New Jersey 08534 |
| Location: | 10 PowerBuoys would occupy about 0.25 square mile of the Pacific Ocean approximately 2.5 miles off the coast near Reedsport. The transmission lines will be an undersea cable and within an existing effluent pipe under the beach areas to an existing substation. |
| Source of water: | Pacific Ocean |
| Purpose: | Hydroelectric power production. |
| Plant Capacity: | 1.5 MW from the 10 units. |

For Further Information Contact: Mary Grainey 503-986-0833.

Note: The services, programs and activities of the Water Resources Department are covered by the Americans with Disabilities Act (ADA). The ADA prohibits discrimination against persons with disabilities. The Department intends to comply with the ADA. If you are interested and need special accommodations to participate in the public hearing, please contact Mary Grainey at (503) 986-0833, at least 24 hours prior to the hearing.

OREGON WATER RESOURCES DEPARTMENT



**725 Summer Street NE Ste A
Salem OR 97301**

PUBLIC NOTICE OF WATER USE REQUESTS
March 23, 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 propose final order and final order are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)