

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
April 6, 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.
- * **Emergency Water Use Permit Applications**
Final Orders issued approving applications for temporary water use permits during a drought declared under ORS 536.740.
- * **Expedited Secondary Applications to Use Stored Water**
Applications to use stored water exclusively, filed under a simplified review process.
- * **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.

- * **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.
- * **Transfer Applications: Drought Temporary Transfers**
Requests to temporarily change character of use, place of use or point of diversion during a drought declared under ORS 536.740.
- * **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.
- * **Ground Water Registration Modifications**
Applications requesting Department recognition of changes in point of appropriation, place of use and character of use under a ground water certificate of registration.
- * **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 "Jonine.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, May 06, 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 21, 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)

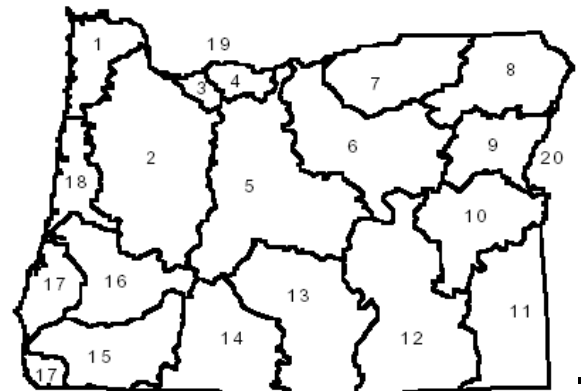
BASINS:

- | | |
|-----------------|---------------------|
| 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 |

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 |

Commonly used “Type



| App# | Basin Source | Township/Range | County | Priority | Quantity | Stage | Status |
|-------------------------|--|---------------------------|--------------|------------|------------|-------|--------|
| G-17130 | HOBSON, RAY PERRYDALE DOMESTIC WATER ASSOCIATION | 11475 W PERRYDALE ROAD | AMITY OR | 97101 | | | PFO 2 |
| 2 | A WELL > WILLAMETTE RIVER | 6.00S 3.00W 29 SENW | Polk | 10/28/2008 | 2.23C | | |
| Uses: QM | | | | | | | |
| G-17284 | RICKMAN, STEVE | 69705 OLD EXPERIMENT RD | BURNS OR | 97720 | | | IR 2 |
| 12 | A WELL > POISON CREEK SLOUGH | 23.00S 32.00E 18 SENE | Harney | 11/06/2009 | 1.6C | | |
| Uses: IR | | | | | | | |
| S-87480 | RUSSELL, ERNIE | 40200 SE CEDAR CREEK LN | SANDY OR | 97055 | | | PFO 3 |
| 3 | CEDAR CREEK > SANDY RIVER | 2.00S 5.00E 18 NWNW | Clackamas | 06/26/2009 | 0.005C | | |
| Uses: DO | | | | | | | |
| G-17058 | STEIN, EILEEN | CITY OF SISTERS PO BOX 39 | 150 N FIR ST | SISTERS OR | 97759 | | PFO 2 |
| 5 | A WELL > WHYCHUS CREEK | 15.00S 10.00E 9 SWNW | Deschutes | 05/27/2008 | 0.5C (est) | | |
| 5 | A WELL > WHYCHUS CREEK | 15.00S 10.00E 5 SWNW | Deschutes | 05/27/2008 | 0.5C (est) | | |
| 5 | A WELL > WHYCHUS CREEK | 15.00S 10.00E 4 NWSE | Deschutes | 05/27/2008 | 0.5C (est) | | |
| 5 | A WELL > WHYCHUS CREEK | 15.00S 10.00E 8 SWSW | Deschutes | 05/27/2008 | 0.5C (est) | | |
| Uses: MU | | | | | | | |

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-17254 | 12 | HARN | 08/20/2009 | WRIGHT FARMS LLC | | 03/25/2010 |
| G-17237 | 10 | MALH | 06/20/2009 | TREASURE VALLEY MANAGEMENT LLC | | 03/29/2010 |
| G-17249 | 12 | HARN | 08/04/2009 | | TIM CLEMENS | 03/29/2010 |
| G-17251 | 9 | BAKE | 08/05/2009 | | TRUDY LOWERY | 03/29/2010 |
| G-17262 | 12 | HARN | 09/18/2009 | | KEITH RINGER | 03/29/2010 |
| S-87138 | 16 | DOUG | 04/08/2008 | RAINBOWS END WILDIN INC. | FRANCIS EATHERING | 03/29/2010 |
| S-87531 | 2 | CLAC | 09/23/2009 | MORNINGSTAR 2006 LLC | JAMES BIENIUS | 03/29/2010 |
| S-87463 | 12 | HARN | 05/29/2009 | SCHWABE WILLIAMSON AND WYATT | MARTHA PAGEL | 03/31/2010 |
| G-17189 | 12 | HARN | 03/17/2009 | | JOSEPH BUERMANN | 04/01/2010 |
| R-87515 | 2 | POLK | 08/20/2009 | | CANDACE TAYLOR | 04/01/2010 |
| R-87536 | 7 | MORR | 10/05/2009 | COUNTY OF MORROW | | 04/01/2010 |
| S-87514 | 3 | CLAC | 08/14/2009 | | MICHAEL KAISER | 04/01/2010 |

Emergency Water Use Permit Applications

Under OAR 690-19-040, after the Governor declares that a severe, continuing drought exists, the Director may accept applications for emergency use permits.

The Director shall approve an application for emergency water use upon findings that the proposed use will not cause injury to existing water rights and will not impair or be detrimental to the public interest. In evaluating whether the proposed use will impair or be detrimental to the public interest, the Director shall consider the factors described in OAR 690-310-0120 and 690-310-0130; and

- a) The need for water because of the drought emergency; and
- b) The short-term nature of the proposed emergency use.

An emergency use permit may be issued upon approval by the Director. No hearing under ORS 537.170 is required. The Director will consider all comments received concerning the use, or proposed use, under the emergency use permit throughout the life of the permit. Use of water under a emergency use permit may be regulated at any time in accordance with the terms and conditions of the permit. If use of water under a emergency use permit causes injury to an existing water right, the permit shall be revoked unless the injury is mitigated to the satisfaction of the injured water right holder. Any use of water under an emergency use permit shall not exceed the term of the Governor's declared drought or one year.

| Application | Basin | County | Date Filed | Name | Final Order Date |
|-------------------------|-------|---------|------------|--|------------------|
| G-17317 | 14 | Klamath | 3/22/2010 | HAMMERICH, NANCY 28989 CASEBEER RD BONANZA OR 97623 | 4/1/2010 |
| G-17318 | 14 | Klamath | 3/22/2010 | ADKINS, DOUGLAS E SPLENDOR RIDGE INC. 9338 HILL RD | 4/6/2010 |
| G-17330 | 14 | Klamath | 3/25/2010 | HUNTER, JEFFREY M 7552 E WETHERSFIELD RD SCOTTSDALE AZ 85260 | 4/6/2010 |

Expedited Secondary Applications Under HB 2178 (2005)

For expedited secondary applications to use exclusively stored water filed under HB 2178, the public is invited to comment within 30 days of this notice, by **May 06, 2010**. The expedited secondary applications listed below have been filed recently. Any person may raise public interest issues regarding these applications. If public interest issues are raised, the Department may move the application to the standard process and review the application pursuant to ORS 537.153, and issue a Proposed Final Order. If no public issues are raised, the Department may issue a final order and permit without further prior notice.

Comments must identify the specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected by the proposed use, and specifically how the identified public interest would be affected.

POD 1 is the location of the stored water. POD 2 and any additional points are the diversion point(s).

S-87594
BENNINGTON, CRAIG
347 BAILEY DR
ROSEBURG OR 97471

BENNINGTON, MARY
347 BAILEY DR
ROSEBURG OR 97471

POD: 1 SOUTH UMPQUA RIVER > UMPQUA RIVER
SE 1/4 NW 1/4 Section 3 T 28.00S R 6.00W WM
Douglas County
0.0 AFT for IRRIGATION (est.)

POD: 2 A RESERVOIR > COW CREEK
SW 1/4 NE 1/4 Section 28T 31.00S R 4.00W WM
Douglas County
1.87 AFT for IRRIGATION (est.)

**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 May 06, 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-16338
Permit Number: G-15918
SHADOW WOOD WATER SERVICE; DIVISION OF HILAND WATER CORP.
OLSON, MELVIN
23875 NE DILLON RD
NEWBERT OR 97132
Clackamas County
FOUR WELLS > SHIPLEY CREEK
0.89 CFS
QUASI MUNICIPAL USE
October 1, 2024

Application Number: S-49101
Permit Number: S-36777
CITY OF ENTERPRISE
YOUNG, MICHELE
108 NE 1ST ST
ENTERPRISE OR 97828
Wallowa County
THREE UNNAMED STREAMS > WALLOWA RIVER
14.75 CFS, BEING 7.0 CFS FROM STREAM #1, 4.0 CFS FROM STREAM #2 AND 3.75 CFS
FROM STREAM #3
MUNICIPAL USE
October 1, 2098

Application Number: S-51178
Permit Number: S-39123
CITY OF ENTERPRISE
108 NE 1ST ST
ENTERPRISE OR 97828
Wallowa County
THREE UNNAMED SPRINGS > WALLOWA RIVER
12.25 CFS, BEING 4.25 CFS FROM SPRING 1, 4.0 CFS FROM SPRING 2 AND 4.0 CFS
FROM SPRING 3
MUNICIPAL USE
October 1, 2134

**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 21, 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: | Umatilla |
| Application File Number: | G-16107 |
| Permit Number: | G-15848 |
| Applicant: | SMITH FROZEN FOODS INC. |
| Address: | 101 DEPOT ST WESTON OR 97886 |
| River Basin: | Umatilla Basin |
| Water Source: | A WELL > LITTLE DRY CREEK |
| Authorized Use of Water: | IRRIGATION ON 354.23 Acres SUPPLEMENTAL IRRIGATION ON 395.67 Acres |
| Maximum Diversion/ Appropriation Rate: | 5.57 CFS |

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2009 to October 1, 2014.

County of Use: Klamath
Application File Number: G-16314
Permit Number: G-15947
Applicant: SMITH, CHRISTOPHER A.
Address: 6315 ELWOOD RD
SANGER CA 93657
River Basin: Klamath Basin
Water Source: A WELL > ROCK CREEK
Authorized Use of Water: IRRIGATION ON 85.0 Acres
Maximum Diversion/
Appropriation Rate: 1.0 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2009 to October 1, 2019.

County of Use: Yamhill
Application File Number: R-84127
Permit Number: R-12823
Applicant: MOMTAZI FAMILY LLC
MOMTAZI, MOE
Address: 2083 CALVIN COURT
MCMINNVILLE OR 97128
River Basin: Willamette Basin
Water Source: UNNAMED STREAM/MOMTAZI RESERVOIR 1 > MUDDY CREEK
Authorized Use of Water: STORED WATER: TO BE APPROPRIATED UNDER PERMIT # S-53672
FOR IRRIGAITN OF 140.0 ACRES
Maximum Diversion/
Appropriation Rate: 14.0 AF

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.

County of Use: Yamhill
Application File Number: R-84128
Permit Number: R-12824
Applicant: MOMTAZI FAMILY LLC
MOMTAZI, MOE
Address: 2083 CALVIN COURT
MCMINNVILLE OR 97128
River Basin: Willamette Basin
Water Source: UNNAMED STREAM/MOMTAZI RESERVOIR 2 > SOUTH YAMHILL RIVER
Authorized Use of Water: STORED WATER: TO BE APPROPRIATED UNDER PERMIT # S-53672
FOR IRRIGATION
Maximum Diversion/
Appropriation Rate: 81.0 AF

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.

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 27, 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 189

Lessor:
PALKE, ROBERT S.
212 STRATFORD LANE
ROSEBURG OR 97470

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD TO RIVER MILE 3.5 TO MOUTH OF NORTH UMPQUA RIVER

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------------|---------|-----------|-----|-----------|-----------|--------------------|--------------|-------|
| 75632 RR SP | S 46773 | 3/22/1982 | IR | 0.056 | 11.25 | NORTH UMPQUA RIVER | UMPQUA RIVER | 4.5 |

County: Lane

Instream Lease Number: IL 482

Lessor:
SCHOLLER, KAREN
P.O. BOX 848
VENETA OR 97487

Lessor:
HUHTANEN, RICHARD
P.O. BOX 848
VENETA OR 97487

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD TO FERN RIDGE RESERVOIR

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------------|---------|-----------|-----|-----------|-----------|----------------|------------------|-------|
| 43367 OR SP | S 32981 | 4/16/1968 | IR | 0.47 | 93.75 | LONG TOM RIVER | WILLAMETTE RIVER | 37.5 |

County: Deschutes

Instream Lease Number: IL 1056

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 OF THE DESCHUTES @ RM 0

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|------------|------------|-----|-----------|-----------|-----------------|----------------|-------|
| 83571 | CF RR CR * | 10/31/1900 | IR | 0.307 | 98.65 | DESCHUTES RIVER | COLUMBIA RIVER | 18.1 |

County: Deschutes

Instream Lease Number: IL 1057

Lessor:
SCHRADER, JASON AND LEIF
26695 HORSELL ROAD
BEND OR 97701

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 #1 TO LAKE BILLY CHINOOK AND TO THE MOUTH OF THE DESCHUTES @ RM 0

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|------------|------------|-----|-----------|-----------|-----------------|----------------|-------|
| 83571 | CF RR CR * | 10/31/1900 | IR | 0.056 | 17.99 | DESCHUTES RIVER | COLUMBIA RIVER | 3.3 |

County: Klamath

Instream Lease Number: IL 1059

Lessor:
YOW, RANDY AND JACKIE
50490 HWY. 31
LAPINE OR 97739

Lessee:
DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND OR 97701

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM THE POD ON THE LITTLE DESCHUTES R TO THE MOUTH OF THE LITTLE DESCHUTES R AND INTO THE MAINSTEM
DESCHUTES R TO THE MOUTH

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|---------|------------|-----|-----------|-----------|------------------------|-----------------|-------|
| 83653 | CF RR * | 12/31/1897 | IR | 0.375 | 60.0 | LITTLE DESCHUTES RIVER | DESCHUTES RIVER | 15.0 |

County: Jefferson

Instream Lease Number: IL 1060

Lessor:
WINGS FAMILY LIMITED PARTNERSHIP
P.O. BOX 159
TURNER OR 97392

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 THE MOUTH OF THE DESCHUTES @ RM 0

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|------------|------------|-----|-----------|-----------|-----------------|----------------|-------|
| 83571 | CF RR CR * | 10/31/1900 | IR | 0.02 | 6.54 | DESCHUTES RIVER | COLUMBIA RIVER | 1.2 |

County: Jefferson

Instream Lease Number: IL 1061

Lessor:
PRATT, DOROTHY; C/O VICKI KELLEY
2500 SW STAGECOACH LANE
TERREBONNE OR 97760

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 THE MOUTH OF THE DESCHUTES @ RM 0

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-------|------------|------------|-----|-----------|-----------|-----------------|----------------|-------|
| 83571 | CF RR CR * | 10/31/1900 | IR | 0.161 | 51.78 | DESCHUTES RIVER | COLUMBIA RIVER | 9.5 |

County: Deschutes

Instream Lease Number: IL 1062

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 #1 TO THE MOUTH OF THE DESCHUTES RIVER @ RM 0

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

83571 CF RR CR * 10/31/1900 IR 0.8 256.99 DESCHUTES RIVER COLUMBIA RIVER 47.15

County: Deschutes

Instream Lease Number: IL 1063

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 THE MOUTH OF THE DESCHUTES RIVER @ RM 0

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|------------------|--------|------------|-----|-----------|-----------|-----------------|----------------|-------|
| 83571 CF RR CR * | | 10/31/2010 | IR | 1.005 | 322.67 | DESCHUTES RIVER | COLUMBIA RIVER | 59.2 |

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 May 06, 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: UMATILLA
Transfer: 11047
Water Right: CERT 85272
Priority Date: FEBRUARY 16, 1973
Name: FRED WIDMAN
Address: 2001 E GERONE, ECHO OR 97826
Change: ADDITIONAL POINT OF APPROPRIATION
Source: A WELL

County: WASHINGTON
Transfer: 11049
Water Right: CERT 26960
Priority Date: OCTOBER 13, 1955
Name: STUART HOLDINGS LLC & BTG LIG, DON MALTASE
Address: 525 N TOMAHAWK DRIVE, PORTLAND OR 97217
Change: USE
Source: MCKAY CREEK

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 May 06, 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-8837 filed by DAVID AND JOANNE ORR, 8892 NW CAMPBELL RD, PRINEVILLE, OR 97754, proposes a change in place of use under Certificate 85862. The right allows the use of 0.061 CUBIC FOOT PER SECOND (priority date SEPTEMBER 5, 1958) from a well in Sec. 20, T 14 S, R 15 E, W.M. (Deschutes Basin) for IRRIGATION in Sec. 20, T 14 S, R 15 E, W.M. The applicant proposes to change the place of use to Sec. 20, T 14 S, R 15 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.

T-9485 assigned to Dana and Maralee Westbrook, 149 Rolling Ridge Rd., Oakland, OR 97462, proposes an additional point of diversion and change in place of use under Certificate 83573. The right allows the use of 4.4 af (priority date September 23, 1992) being 2.8 af from Reservoir 2 and 1.6 af from Reservoir 3, tributaries of the Calapooya Creek in Secs. 11 and 12, T 25S, R 6W, W.M. for irrigation in Secs. 11 and 12. The applicant proposes to add a point of diversion approximately 1300 feet downstream (Sec. 12, T 25S, R 6W, 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 10736 filed by CARLTON PLANTS NURSERY COMPANY LLC, PO BOX 398, DAYTON, OR 97114-0398, proposes to modify the point of appropriation and re-describe the place of use under Groundwater Registration Application GR-26 (Certificate of Registration GR-22). The ground water registration claims the use of 300 gallons per minute (tentative priority date JULY 1, 1952 from a well in Sec. 21, T 4 S, R 3 W, W.M. (Palmer Creek Basin) for IRRIGATION in Sec. 21. The applicant proposes to modify the location of the original point of appropriation to a well approximately 60 feet west to Sec. 21, T 4 S, R 3 W, W.M. and to re-describe the place of use to Sec. 21, T 4 S, R 3 W, W.M. The Water Resources Department has concluded that the proposed modification appears to be consistent with the requirements of ORS Chapter 537, ORS Chapter 540 and OAR 690-382-1000.

T-10880 filed by Wilderness Retreat, P O Box 1295, Brookings, OR 97415, proposes a change in place of use and a change in character of use under Certificate 85340. The right allows the use of 0.03 cubic foot per second (priority date August 18, 1970) from Second Creek in Sec. 17, T 39 S, R 12 W, W.M. for group domestic and fire protection in Sec. 17, T 39 S, R 12 W, W.M. The applicant proposes to change the place of use within Sec. 17, T 39 S, R 12 W, W.M., and to change to 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-10930 filed by A. WAYNE AND TENA VOS, 1863 MILL CREEK DRIVE, PROSPECT, OR 97536, proposes a change in place of use under Certificate 58702. The right allows the use of 0.01 CUBIC FOOT PER SECOND (priority date AUGUST 29, 1978) from the NORTH FORK OF ROGUE RIVER, tributary to Rogue River in Sec. 29, T 32 S, R 3 E, W.M. for DOMESTIC INCLUDING LAWN AND GARDEN in Sec 2, T 33 S, R 2 E, W.M. The applicant proposes to change the place of use to Section 11, T 33 S, R 2 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: 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: | MARION |
| Transfer: | 11050 |
| Water Right: | CERT 72192 |
| Priority Date: | 1975,1979 |
| Name: | DICKMAN FARMS INC |
| Address: | 15829 MT ANGEL SCOTTS MILL HWY SILVERTON OR 97381 |
| Change: | PLACE OF USE |
| Source: | WELL |

Transfer Applications: Drought Temporary Transfer

During the effective time period of a drought declaration under ORS 536.740, the Commission or the Director may: (1) Allow a temporary transfer of a water right without complying with the notice and waiting requirements of ORS 540.520; (2) Allow a temporary exchange of water without giving notice as required under ORS 540.535; and (3) Use an expedited notice and waiting requirement for the substitution of a supplemental ground water right for a primary water right.

Notice is given that the following applications for Drought Temporary Transfers have been received by the Department. Consistent with the drought emergency, an order approving or denying the drought transfer will be issued as soon as the Department is able to process the application.

| | |
|----------------|---------------------------------|
| County: | KLAMATH |
| Transfer: | 11048 |
| Water Right: | CERT 86099 |
| Priority Date: | JUNE 22, 1993 |
| Name: | DELYLE D. DIAZ OR FRANK F. DIAZ |
| Address: | PO BOX 676, MERRILL OR 97633 |
| Change: | POINT OF APPROPRIATION |
| Source: | A WELL |

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 May 06, 2010. The Department shall consider the comments in determining whether to condition, reject, or revoke a temporary district transfer.

County: UMATILLA
Transfer: 11041
Water Right: CERT 80705,81408,81409,63802,PER S-46499
Priority Date: 1896,1866,1978,1957,1959
Name: BUTTER CREEK IRRIGATION DISTRICT
Address: PO BOX 110, HERMISTON OR 97838
Change: PLACE OF USE
Source: BUTTER CREEK

County: MORROW, UMATILLA
Transfer: 11043
Water Right: CERT 79439,76715,82441
Priority Date: 1903,1924,1983
Name: WESTLAND IRRIGATION DISTRICT
Address: PO BOX 944, HERMISTON OR 97838
Change: PLACE OF USE
Source: MCKAY RESERVOIR/UMATILLA RIVER

County: UMATILLA
Transfer: 11044
Water Right: CERT 76715,79439
Priority Date: 1903,1924
Name: WESTLAND IRRIGATION DISTRICT
Address: PO BOX 944, HERMISTON OR 97838
Change: PLACE OF USE
Source: UMATILLA RIVER/MCKAY RES

County: COLUMBIA
Transfer: 11045
Water Right: CERT 83174
Priority Date: APRIL 26, 1979
Name: BEAVER DRAINAGE IMPROVEMENT DISTRICT
Address: PO BOX 403, CLATSKANIE OR 97016
Change: PLACE OF USE
Source: JOHN SLOUGH

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 May 06, 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: MALHEUR
NOTICE OF DISTRICT
PERMANENT TRANSFER: NOTICE # 00002
CERTIFICATE: 81012
PRIORITY DATE: 1916,1924
NAME: RIDGEVIEW IRRIGATION DISTRCT
ADDRESS: PO BOX 67 HOMEDALE ID 83628
CHANGE: POU
SOURCE: OWYHEE RESERVOIR
ACRES: 5.15
AUTHORIZED POU: T22S R46E 36
PROPOSED POU: T22S R46E 36

Transfer Applications: Ground Water Registration Modification

The holder of a ground water certificate of registration may request that the Department recognize a change in point of appropriation, place of use or character of use under the ground water registration. Modifications of ground water registrations are authorized under ORS 537.610(4) and OAR Chapter 382.

The Department seeks public comment on the recently-filed applications for recognition of modifications in ground water registrations listed below. Any person may comment on an application for a ground water registration modification. Comments must be received by the Department on or before May 06, 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 recognized 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: UMATILLA
Transfer: 11046
Water Right: CERT GR 1137
Priority Date: DECEMBER 31, 1911
Name: PAUL ZEHR
Address: 1206 JACQUELYN ST, MILTON FREEWATER OR 97862
Change: PLACE OF USE, POINT OF APPROPRIATION
Source: A WELL

**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@wrд.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

April 6, 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.)