

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
May 4, 2010

*This notice is also available on our web page at the following address:
http://www1.wrd.state.or.us/cgi-bin/notices.pl?water_rights*

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.
- * **Municipal permit extension applications referred to Oregon Department of Fish and Wildlife for review under provisions of OAR 690- 315-0080.**
- * **Emergency Water Use Permit Applications**
Final Orders issued approving applications for temporary water use permits during a drought declared under ORS 536.740.
- * **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.
- * **Establishment of Mitigation Credits in the Deschutes Basin pursuant to OAR Chapter 690, Division 521 (ORS 537.746)**

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, June 03, 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, June 18, 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)

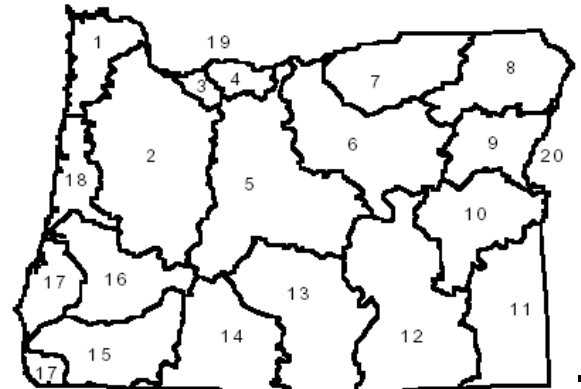
BASINS:

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

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

Commonly



App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status
G-17138	PEILA, MIKE PO BOX 537 HINES OR 97738						PFO 2
12	A WELL > SAGE HEN CREEK	24.00S 30.00E 9 SESE	Harney	11/04/2008	5.26C		
Uses:	IR IS						
G-17310	ALEXANDER, JANET H. PO BOX 153 UNITY OR 97884						IR 2
10	A WELL > BASIN CREEK	13.00S 42.00E 20 NWNW	Malheur	02/10/2010	1.0C		
Uses:	MI						
S-87592	DROLET, JOHN P. 59971 FAIRVIEW RD COQUILLE OR 97423						IR 3
17	A SPRING > MILL CREEK	29.00S 12.00W 23 NENW	Coos	03/16/2010	0.0125C		
17	A SPRING > MILL CREEK	29.00S 12.00W 23 NENW	Coos	03/16/2010	0.0125C		
17	MILL CREEK > MIDDLE FORK COQUILLE RIVER	29.00S 12.00W 23 NENW	Coos	03/16/2010	0.0125C		
Uses:	DN						
G-17306	POST, KENNETH J. K AND P ENTERPRISES LLC 67719 HWY 78 BURNS OR 97720						IR 2
12	A WELL > MALHEUR LAKE	23.00S 32.00E 34 SWSW	Harney	02/04/2010	1.641C (est)		
12	A WELL > MALHEUR LAKE	24.00S 32.00E 4 NENE	Harney	02/04/2010	1.641C (est)		
12	A WELL > MALHEUR LAKE	24.00S 32.00E 4 NWNW	Harney	02/04/2010	1.641C (est)		
Uses:	IR						
G-17300	KROPF, LEROY 24305 POWERLINE RD HARRISBURG OR 97446						IR 2
2	A WELL > MUDDY CREEK	14.00S 4.00W 35 SESW	Linn	01/20/2010	0.074C (est)		
2	A WELL > MUDDY CREEK	14.00S 4.00W 35 SESW	Linn	01/20/2010	0.074C (est)		
Uses:	AG 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-16886	2	MARI	06/29/2007		TROY YOUNGBLOOD	04/22/2010
G-16901	2	BENT	06/29/2007		HOLLY DUNNING	04/22/2010
G-17089	12	HARN	07/31/2008		GEORGE STROEMPLE	04/22/2010
G-17273	7	MORR	10/19/2009		WAYNE BEAN	04/22/2010
R-87233	6	GRAN	07/17/2008		JOHN STINER	04/22/2010
G-17017	2	POLK	03/03/2008	OLSEN AGRICULTURE		04/23/2010
G-17327	14	KLAM	03/23/2010	BAIR FARMS LLC		04/23/2010
R-87511	16	DOUG	08/10/2009		ALAN KRUSI	04/23/2010
R-87512	16	DOUG	08/10/2009		JANET KRUSI	04/23/2010
R-87546	16	DOUG	11/12/2009		PHILIP WASHBURN	04/23/2010
R-87547	16	DOUG	11/12/2009		PHILIP WASHBURN	04/23/2010
G-17281	2	MARI	10/30/2009		FOO YOON CHEN	05/04/2010

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-17352	14	Klamath	04/14/2010	LYON, MARIE 20302 PAYGR RD MALIN OR 97632	4/28/2010
G-17350	14	Klamath	04/14/2010	KENNEDY, WILLIAM KENNEDY LAND CO LLC 25400 N POE VALLEY RD KLAMTH FALLS OR 97603	4/28/2010
G-17351	14	Klamath	04/14/2010	TURNER, RANDALL L 18625 DRAZIL RD MALIN OR 97632	4/28/2010

Application	Basin	County	Date Filed	Name	Final Order Date
G-17356	14	Klamath	04/15/2010	BARROWS, ALBERT E 32451 MALIN LOOP RD MALIN OR 97632	4/29/2010
G-17355	14	Klamath	04/15/2010	MALIN IRRIGATION MALIN IRRIGATION DISTRICT P.O. BOX 355 MALIN OR 97632	4/29/2010
G-17336	14	Klamath	03/30/2010	STURM, ERIC 21791 MORELACK RD MALIN OR 97632	5/4/2010
G-17360	14	Klamath	04/20/2010	SUKRAW, LEE R. 1881 LOWER KLAMATH LAKE RD KLAMATH FALLS OR 97603	5/4/2010
G-17366	14	Klamath	04/27/2010	ADKINS CONSULTING ADKINS CONSULTING ENGINEERS INC. 2950 SHASTA WAY KLAMATH FALLS OR 97603	5/4/2010
G-17354	14	Klamath	04/15/2010	MULLIS, CURT 11120 HWY 66 KLAMATH FALLS OR 97601	5/4/2010

**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 June 03, 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-10208
Permit Number: G-9284
AVION WATER CO. INC.
60813 PARRELL RD
BEND OR 97702
Deschutes County
ONE WELL
165 GPM
QUASI-MUNICIPAL USES
October 1, 2014

Application Number: G-14678

Permit Number: G-13539

ROOT, ANDY

424 HWY 20 N

HILES OR 97738

Harney County

EIGHT WELLS > RATTLESNAKE CREEK

16.81 CFS, BEING 3.8 CFS WELL 1, 1.1 CFS WELL 2, 2.8 CFS WELL 3, 2.86 CFS WELL 4, 1.6 CFS WELL 5, 0.32 CFS WELL 6, 0.33 CFS WELL 7 AND 4.0 CFS WELL 8

PRIMARY IRRIGATION OF 1421.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 166.8 ACRES

October 1, 2010

Application Number: G-14888

Permit Number: G-13730

ROOT, ANDY

524 HWY 20 N

HILES OR 97738

Harney County

TWO WELLS > RATTLESNAKE CREEK

3.08 CFS

IRRIGATION OF 246.4 ACRES

October 1, 2010

**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 June 18, 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:	Multnomah
Application File Number:	G-12870
Permit Number:	G-11831
Applicant:	PORTLAND STATE UNIVERSITY; CARTER, CHUCK (C/O)
Address:	PO BOX 751 PORTLAND OR 97207
River Basin:	Willamette Basin
Water Source:	TWO WELLS > WILLAMETTE RIVER
Authorized Use of Water:	INDUSTRIAL/MANUFACTURING USES
Maximum Diversion/ Appropriation Rate:	2.96 CFS, BEING 1.56 CFS FROM WELL 1 AND 1.40 CFS FROM WELL 3

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 1996 to October 1, 2015; and grant an extension of time to apply water to full beneficial use from October 1, 1997 to October 1, 2015.

County of Use: Umatilla
Application File Number: G-15579
Permit Number: G-15272
Applicant: WILLIAMS, RAY
Address: 49654 UMAPINE RD
MILTON FREEWATER OR 97862
River Basin: Umatilla Basin
Water Source: EIGHT WELLS > PINE CREEK
Authorized Use of Water: DAIRY USE, PRIMARY IRRIGATION OF 4.60 ACRES
AND SUPPLEMENTAL IRRIGATION OF 1198.9 ACES
Maximum Diversion/
Appropriation Rate: 15.81 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, 2017.

**Pending Municipal Permit Extension Applications Sent to
Oregon Department of Fish and Wildlife for Review**

Consistent with OAR 690-315-0080 the Department must notify Oregon Department of Fish and Wildlife of certain pending municipal water use extension applications. If applicable under OAR 690-315-0080 any undeveloped portion of a municipal permit must be conditioned to maintain the persistence of listed fish species in the portions of waterways affected by water use under the permit. The following applications were referred to the Oregon Department of Fish and Wildlife on February 2, 2010.

Application File Number: G-10152

Permit Number: G-9520

Applicant: City of Oakridge

Water Source: Three Wells

Authorized Use of Water Under Permit: Municipal

Application File Number: G-13221

Permit Number: G-12406

Applicant: City of Brownsville

Water Source: Wells B, C, D and E in the Calapooya Creek Basin

Authorized Use of Water Under Permit: Municipal

Application File Number: G-13521

Permit Number: G-12976

Applicant: City of Monmouth

Water Source: Two Wells in the Duck Slough Basin

Authorized Use of Water Under Permit: Municipal

Application File Number: S-43399

Permit Number: S-32449

Applicant: City of Detroit

Water Source: Breitenbush River, tributary of North Santiam River

Authorized Use of Water Under Permit: Municipal

Application File Number: S-58905

Permit Number: S-44389

Applicant: City of Lebanon

Water Source: South Santiam River, tributary of Santiam River

Authorized Use of Water Under Permit: Municipal

Application File Number: S-47642

Permit Number: S-35222

Applicant: City of Falls City

Water Source: Berry Creek, tributary of Little Luckiamute Creek

Authorized Use of Water Under Permit: Municipal

Application File Number: S-64559

Permit Number: S-47330

Applicant: City of Jefferson

Water Source: Santiam River, tributary of Willamette River

Authorized Use of Water Under Permit: Municipal

Application File Number: S-65273

Permit Number: S-47733

Applicant: City of Brownsville

Water Source: Calapooia River, tributary of Willamette River

Authorized Use of Water Under Permit: Municipal

Application File Number: S-71584

Permit Number: S-52447

Applicant: City of Stayton

Water Source: North Santiam River, tributary of Santiam River

Authorized Use of Water Under Permit: Municipal

Application File Number: S-71991

Permit Number: S-52775

Applicant: City of Sublimity

Water Source: North Santiam River, tributary of Santiam River

Authorized Use of Water Under Permit: Municipal

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 May 25, 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 1068

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 *	10/31/1900	IR	0.157	50.42	DESCHUTES RIVER	COLUMBIA RIVER	8.25

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 *	10/31/2010	IR	0.017	5.45	DESCHUTES RIVER	COLUMBIA RIVER	1.0

County: Jefferson

Instream Lease Number: IL 1069

Lessor:
 FABRICATORS, INC
 4444 22ND AVE NE
 SALEM OR 97303

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 *	10/31/1900	IR	0.112	35.97	DESCHUTES RIVER	COLUMBIA RIVER	6.6

County: Jefferson

Instream Lease Number: IL 1071

Lessor:
 NORTH UNIT IRRIGATION DISTRICT
 2024 NW BEECH ST
 MADRAS OR 97741

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

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM CROOKED RIVER POD TO LAKE BILLY CHINOOK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
72283 CF *	S 33954	9/18/1968	IR	0.138	24.4	CROOKED RIVER	DESCHUTES RIVER	6.1

Reach: FROM THE DESCHUTES RIVER POD TO THE MOUTH OF THE DESCHUTES @ RM 0

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
72279 CF *	S 23196	2/18/1913	IR	0.242	57.75	DESCHUTES RIVER	COLUMBIA RIVER	11.0

County: Wasco

Instream Lease Number: IL 1072

Lessor:
JUSTESEN, FRED AND JONNIE
59720 TWIN LAKES ROAD
GRASS VALLEY OR 97029

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD TO THE MOUTH OF THE WHITE RIVER

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
47968 OR *	S 40955	7/28/1976	FP,IM	0.87		MAYFIELD SPR	WHITE RIVER	

County: Wasco

Instream Lease Number: IL 1073

Applicant:
JUSTESEN LAND; C/O FRED JUSTESEN
JUSTESEN LAND
59720 TWIN LAKES RD
GRASS VALLEY OR 97029

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM THE POD TO THE MOUTH OF TYGH CREEK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
58972 OR *	S 42415	6/27/1977	IR	0.09	17.4	TYGH CREEK	WHITE RIVER	5.8

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 June 03, 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: 11067
Water Right: CERT 32154
Priority Date: DECEMBER 31, 1875, DECEMBER 31, 1892
Name: ADOLPH WEINKE, MARY WEINKE
Address: PO BOX 547, PILOT ROCK OR 97868
Change: HISTORIC POINT OF DIVERSION
Source: EASTBIRCH CREEK

County: WASHINGTON
Transfer: 11071
Water Right: CERT S 35792 PROOF V.67 P.627
Priority Date: FEBRUARY 20, 1963
Name: JAY HOFFMAN
Address: 22307 SW MUNGER LANE, SHERWOOD OR 97410
Change: PLACE OF USE
Source: SCOGGINS CR/RES/GALES/DAIRY
CARPENTER/TUALATIN RIVER

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 June 03, 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-10642 filed by the City of Willamina, 411 NE C Street, Willamina, OR 97396, proposes a change in point of diversion and place of use under Certificates 41796 and 67793. The right described by Certificate 41796 allows the storage of 20.0 acre-feet (priority date June 13, 1941) from Willamina Creek in Sec. 1, T 6 S, R 7 W, W.M. for public fish facility in Sec. 1. The right described by Certificate 67793 allows the use of 0.2 cubic foot per second (priority date June 13, 1941) from Willamina Creek in Sec. 1, T 6 S, R 7 W, W.M. for maintenance of public fish facility in Sec. 1. The applicant proposes to move the point of diversion approximately 950 feet downstream (Sec. 6, T 6 S, R 6 W, W.M.) and to change the place of use to Sec. 6, T 6 S, R 6 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-10825 filed by Neil Miller, 22281 River Road, St. Paul, OR 97137 proposes two additional points of appropriation under Certificate 54195. The right allows the use of 0.57 cubic foot per second (priority date May 5, 1975) from a well in Sec. 8, T 4 S, R 2 W, W.M. (Mission Creek Basin) for irrigation in Sects. 5 and 8, T 4 S, R 2 W W.M. The applicant proposes two additional points of appropriation within approximately 500 feet of the original point of appropriation in Sec. 8, T 4 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-10982 filed by ARNOLD L. and JO E. JOHNSON, PO BOX 308, DAYVILLE, OR 97825 proposes an additional point of diversion and a change in place of use under Certificates 52983 and 64069. The first right allows the use of 0.08 CUBIC FOOT PER SECOND (priority date OCTOBER 15, 1928) from the SOUTH FORK JOHN DAY RIVER in Sec. 18, T 13 S, R 27 E, W.M. for IRRIGATION in Sec. 18. The applicant proposes an additional point of diversion approximately 2,000 feet downstream (Sec. 18, T 13S, R 27 E, W.M.). The second right allows the use of 0.09 CUBIC FOOT PER SECOND (priority date JULY 1, 1983) from the SOUTH FORK JOHN DAY RIVER in Sec. 18, T 13 S, R 27 E, W.M. for IRRIGATION in Sec. 18. The applicant proposes an additional point of diversion approximately 2,000 feet downstream (Sec. 18, T 13S, R 27 E, W.M.) and to change the place of use within Sec. 18. 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: LAKE
Transfer: 11068
Water Right: CERT 75740, 53454
Priority Date: 1981, 1980
Name: TIM WARKENTIN
Address: PO BOX 12, CHRISTMAS VALLEY OR 97641
Change: PLACE OF USE, ADDITIONAL POINT OF APPROPRIATION
Source: A WELL

County: UMATILLA
Transfer: 11069
Water Right: CERT 84071, 83447
Priority Date: 1960, 1968
Name: CRAIG COLEMAN
Address: 33896 E WALLS RD, HERMISTON OR 97838
Change: PLACE OF USE
Source: A WELL

County: UNION
Transfer: 11070
Water Right: CERT 61385
Priority Date: OCTOBER 9, 1980
Name: SHARON HOHSTADT
Address: 65691 BOOTH LANE, COVE OR 97824
Change: PLACE OF USE
Source: A WELL

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.

Crook County

Mitigation Project #: MP-135

Project Applicant: Deschutes River Conservancy Mitigation Bank and North Unit Irrigation District

Mitigation Project
And Process: Instream Lease Application IL-1071 for Certificates 72283

Subbasin/Source: Crooked River Subbasin – Crooked River, tributary to the Deschutes River

Amount of Water: Proposed Instream: up to 0.138 CFS
Maximum Seasonal Volume –
24.4 AF

Current Use: Irrigation of 6.1 acres

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

Preliminary Mitigation

Credit Determination: 11.0 Mitigation Credits
May be available within the Crooked River and General
Zones of Impact

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

**OREGON
WATER
RESOURCES
DEPARTMENT**



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

May 4, 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.)