

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
May 11, 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.
- * **Alternate Reservoir Applications (ORS 537.409)**
Applications for storage permits for small ponds filed under a simplified review process.
- * **Expedited Secondary Applications to Use Stored Water**
Applications to use stored water exclusively, filed under a simplified review process.
- * **Water Right Cancellations**
Abandonment of perfected and developed water rights and requests to cancel all or a portion of rights.
- * **Applications for Extensions of Time to Perfect Water Right Permits**
New applications received and proposed final orders regarding requests to extend time limits to fully develop water use projects and beneficially apply water.
- * **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.
- * **Water Management and Conservation Plans**
Water management and conservation plans submitted by municipalities and agricultural water suppliers under provisions of OAR Chapter 690, Division 86.
- * **Notice of Proposed Order Applegate Hydroelectric Project - HE 554**

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 10, 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 25, 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)

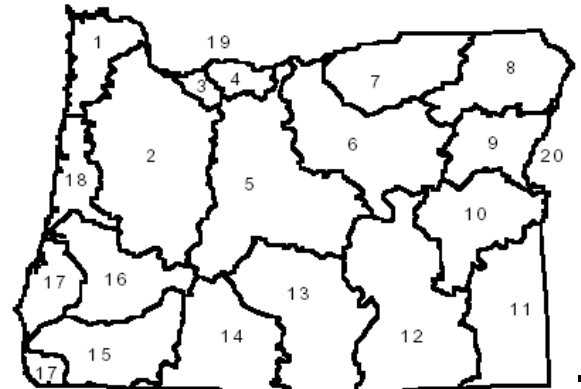
BASINS:

- | | |
|-----------------|---------------------|
| 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-17297	MULLEN, GERALD P. 17792 RIVER RD NE SAINT PAUL OR	97137					IR 2
2	A WELL > MISSION CREEK	4.00S 2.00W 31 SESW	Marion	01/05/2010	0.04C		
Uses: IR							
G-17314	BAUER, MATTHEW DIVINE RISE FARMS PO BOX 52 HINES OR	97738					IR 2
12	A WELL > WILLOW CREEK	24.00S 29.00E 1 NESE	Harney	03/01/2010	0.43C		
Uses: IR							
G-17115	JOSSY, APRIL J. 31965 NW BEACH RD HILLSBORO OR	97124					PFO 2
2	A WELL > MCKAY CREEK	1.00N 3.00W 12 NWNW	Washington	09/29/2008	0.044C		
Uses: IR							
G-17312	STEVENS, EDWIN 47667 LOENNING RD HAINES OR	97883					IR 2
9	A WELL > LITTLE MUDDY CREEK	7.00S 38.00E 14 SESE	Baker	02/19/2010	3.342C		
Uses: IS							
G-17334	MARTIN, JODI 31247 JOY LANE HERMISTON OR	97838					IR 2
7	A WELL > UMATILLA RIVER	5.00N 28.00E 35 NESE	Umatilla	03/29/2010	0.2C		
Uses: IR							
G-16879	COUNTY OF WALLOWA; PUBLIC WORKS COUNTY OF WALLOWA; PUBLIC WORKS 619 MARR POND LANE ENTERPRIS						PFO 2
8	A WELL > TROUT CREEK	1.00S 44.00E 14 NENW	Wallowa	06/25/2007	0.186C		
Uses: CM IM							
R-87568	STANDLEY, DAVID STANDLEY TIMBER LLC 39038 TRILLIUM LANE CORVALLIS OR	97330					PFO 2
8	RUNOFF > JORDON CREEK	3.00S 36.00E 25 NENW	Union	01/06/2010	3.0A		
8	RUNOFF > GRANDE RONDE RIVER	3.00S 36.00E 13 NESE	Union	01/06/2010	3.0A		
8	RUNOFF > GRANDE RONDE RIVER	3.00S 36.00E 13 SESW	Union	01/06/2010	3.0A		
8	RUNOFF > JORDON CREEK	3.00S 37.00E 30 NWNE	Union	01/06/2010	3.0A		
8	RUNOFF > WHISKEY CREEK	3.00S 37.00E 19 SESW	Union	01/06/2010	3.0A		
Uses: FP LV WI							

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-17281	2	MARI	10/30/2009		FOO YOON CHEN	05/04/2010
G-16880	6	WHEE	06/27/2007		JUDITH SEELY	05/06/2010
G-17132	12	HARN	10/29/2008		KELLY SINGHOSE	05/06/2010
G-17152	5	DESC	12/15/2008		DANIEL OXFORD	05/06/2010
G-17227	2	LINN	05/29/2009	CITY OF SODAVILLE		05/06/2010
G-17235	12	HARN	06/10/2009	RUTHERFORD FAMILY RANCHES		05/06/2010
G-17236	2	MULT	06/18/2009	PORTLAND VA MEDICAL CENTER		05/06/2010
G-17248	2	YAMH	07/21/2009	CARLTON NURSERY CO. LLC		05/06/2010
G-17271	6	SHER	10/08/2009		J KEVIN MCCULLOUG	05/06/2010
G-17275	12	HARN	10/21/2009		WILLIAM PEILA	05/06/2010
R-87497	2	LINN	07/15/2009		ALTON SULLIVAN	05/06/2010
R-87571	2	LANE	01/26/2010		DAVID HESS	05/06/2010
S-86971	8	UNIO	09/13/2007	HOT LAKE SPRINGS RESORT		05/06/2010
S-87532	15	JACK	09/24/2009		AUBREY RITZ	05/06/2010

Application	Basin	County	Priority	Company	Name	FO Date
G-16532	8	WALL	09/09/2005	K AND B FAMILY LIMITED PARTNERSHIP	PAULA KRIEGER	05/07/2010
G-16616	9	BAKE	01/30/2006		BRAD ALLEN	05/07/2010

Alternate Reservoir Applications (ORS 537.409)

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

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

Such comments must be submitted on or before July 10, 2010.

R-87599
HILL, MONTE
2702 ELKHEAD RD
YONCALLA OR 97499

HILL, ANGELA
2702 ELKHEAD RD
YONCALLA OR 97499
POD: 1 RUNOFF > POODLE CREEK
SW 1/4 NE 1/4 Section 1 T 23.00S R 5.00W WM
Douglas County
4.0 A for MULTIPLE PURPOSE

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 **June 10, 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 redirection point(s).

S-87597
ROTH, JOHN
J AND K FARMS
PO BOX 362
BANDON OR 97411
POD: 1 A RESERVOIR > GEIGER CREEK
NW 1/4 SE 1/4 Section 4 T 29.00S R 14.00W WM
Coos County
105.0 AFT for CRANBERRY (est.)

POD: 2 GEIGER CREEK > FERRY CREEK
NW 1/4 SE 1/4 Section 32T 28.00S R 14.00W WM
Coos County
0.0 AFT for CRANBERRY (est.)

S-87598
EASTMAN, MARC
PO BOX 252
QUINCY CA 95971
POD: 1 COW CREEK > SOUTH UMPQUA RIVER
NW 1/4 SE 1/4 Section 33T 31.00S R 4.00W WM
Douglas County
0.0 AFT for SUPPLEMENTAL IRRIGATION (est.)

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

Water Right Cancellations

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

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

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

COUNTY:	JEFFERSON
WATER RIGHT CERTIFICATE:	72283, IN THE NAME OF NORTH UNIT IRRIGATION DISTRICT
PRIORITY DATE:	SEPTEMBER 18, 1968
SOURCE:	CROOKED RIVER > DESCHUTES RIVER
LANDOWNER:	DENVER L AND LAURINDA K SENSIBAUGH
ADDRESS:	372 NE BEAN DR., MADRAS, OR 97741
USE:	IRRIGATION
ACRES:	0.5
LOCATION:	T11S,R14E,6, NESW, NWSW

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-17358	14	Klamath	04/15/2010	DEAN, DON 17575 TAYLOR RD MERRILL OR 97633	5/6/2010
G-17355	14	Klamath	04/15/2010	MALIN IRRIGATION MALIN IRRIGATION DISTRICT PO BOX 355 MALIN OR 97632	5/6/2010

Application	Basin	County	Date Filed	Name	Final Order Date
G-17367	14	Klamath	04/28/2010	HADLEY MCCORMICK HADLEY MCCORMICK IRRIGATION DISTRICT PO BOX D MERRILL OR 97633	5/6/2010
G-17349	14	Klamath	04/12/2010	ENMAN, JERRY 15343 CHEYNE RD KLAMATH FALLS OR 97603	5/6/2010
G-17370	14	Klamath	04/29/2010	WRIGHT, ROY PO BOX 236 TULELAKE CA 96134	5/7/2010
G-17340	14	Klamath	04/05/2010	MCPHERSON, JOHN L 13555 TINGLEY LANE KLAMATH FALLS OR 97603	5/7/2010

**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 10, 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-15109
Permit Number: G-15351
INTERFOR PACIFIC INC.
15555 SOUTH HWY 22
MOLALLA OR 97381
Clackamas County
A WELL > MOLALLA RIVER
0.111 CFS
INDUSTRIAL/MANUFACTURING USES
October 1, 2013

Application Number: G-15943
Permit Number: G-15782
BLANDAU, MARY
4203 BEAGLE RD
WHITE CITY OR 97503
Jackson County
A WELL > CONSTANCE CREEK
0.88 CFS
IRRIGATION ON 7.0 ACRES
October 1, 2012

**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 25, 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:	Klamath
Application File Number:	G-15572
Permit Number:	G-15935
Applicant:	CHEYNE, HENRY C G.
Address:	9961 E LANGELL VALLEY RD BONANZA OR 97623
River Basin:	Klamath Basin
Water Source:	A WELL > LOST RIVER
Authorized Use of Water:	SUPPLEMENTAL IRRIGATION ON 202.6000 Acres
Maximum Diversion/ Appropriation Rate:	2.53 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, 2011.

County of Use:	Deschutes
Application File Number:	G-15841
Permit Number:	G-15473
Applicant:	SISTERS SCHOOL DISTRICT
Address:	PO BOX 5099 SISTERS OR 97759
River Basin:	Deschutes Basin
Water Source:	A WELL > SQUAW CREEK
Authorized Use of Water:	IRRIGATION ON 50.0 Acres
Maximum Diversion/ Appropriation Rate:	0.625 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, 2019.

County of Use: Douglas
Application File Number: S-86014
Permit Number: S-54151
Applicant: BOYER, ARMAND
Address: 3720 PONDEROSA RD
SHINGLE SPRINGS CA 95682
River Basin: Umpqua Basin
Water Source: GALESVILLE RESERVOIR > SOUTH UMPQUA RIVER
Authorized Use of Water: IRRIGATION ON 10.0 Acres
Maximum Diversion/
Appropriation Rate: 22.3 AF EACH YEAR

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.

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 June 01, 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: Grant

Instream Lease Number: IL 512

Lessor:
CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATIO
P.O. BOX C
WARM SPRINGS OR 97761

Lessee:
THE FRESHWATER TRUST
65 SW YAMHILL STREET, SUITE 200
PORTLAND OR 97204

Contact: KODY THURGOOD at 503-986-0892

Reach: POD ON CORNER CREEK TO CONFLUENCE WITH MIDDLE FORK JOHN DAY RIVER

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
14253 OR *	S 14039	9/27/1939	DO,IS,LV	0.059	19.2	CORNER CREEK	MIDDLE FORK JOHN DAY RIVER	3.0

Reach: POD ON BEAVER CREEK TO CONFLUENCE WITH MIDDLE FORK JOHN DAY RIVER

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
11636 OR *	S 11495	11/26/1934	IR	0.163	50.0	BEAVER CREEK	MIDDLE FORK JOHN DAY RIVER	10.0

County: Grant

Instream Lease Number: IL 723

Lessor:
 BAHRENBURG, JAMES
 46400 HIGHWAY 402
 KIMBERLY OR 97838

Lessee:
 OREGON WATER RESOURCES DEPARTMENT
 725 SUMMER ST NE SUITE A
 SALEM OR

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD TO MOUTH OF THE NORTH FORK JOHN DAY RIVER

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
52200 OR *	S 24426	5/22/1956	IR	0.007	2.75	NORTH FORK JOHN DAY RIVER	JOHN DAY RIVER	0.55

Reach: FROM POD TO MOUTH OF NORTH FORK JOHN DAY RIVER

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
81842 CF *	S 4036	2/3/1919	IR	0.138	50.09	NORTH FORK JOHN DAY RIVER	JOHN DAY RIVER	11.04

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 10, 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: JACKSON
Transfer: 11072
Water Right: CERT 41771
Priority Date: OCTOBER 28, 1948
Name: GORDON C. ROSE, JUDITH D. ROSE
Address: 8908 JOHN DAY DRIVE, GOLD HILL OR 97525
Change: ADDITIONAL POINT OF DIVERSION
Source: ROGUE 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 10, 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-8894 filed by Dennis and Lorrie Wade, 72782 Highway 74, Ione, Oregon 97843, proposes a change in point of diversion under Certificate 79954. The right allows the use of 0.58 cfs (priority date 1901) from Willow Creek in Sec. 7, T 2 N, R 23 E, W.M. for irrigation in Sec. 6. The applicant proposes to move the point of diversion approximately 3500 feet downstream (Sec. 6, T 2 N, R 23 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-10437 filed by BLACKBURN RANCHES LCC, 707 PONDEROSA VILLAGE, BURNS, OR 97720, proposes a change in point of appropriation and place of use under Certificates 67939, 82845, 82486, and an underlying permit, G-16337. Certificate 67939 allows the use of 2.01 CUBIC FEET PER SECOND (priority date JANUARY 20, 1984) from a well in Sec. 30, T 24 S, R 32.5 E, W.M. (East Fork Silvies River Basin) for IRRIGATION in Sec. 30 and 31. The applicant proposes to move the point of appropriation approximately 95 feet east and 1650 feet southwest in Sec. 30 and 31, T 24 S, R 32.5 E, W.M.. Certificate 82845 allows the use of 0.12 CUBIC FOOT PER SECOND (priority date June 5, 1985) from an unnamed slough, tributary to the East Fork Silvies River in Sec. 31, T 24 S, R 32.5 E, W.M. for IRRIGATION in Sec. 31 and 32. The applicant proposes to change the place of use to Sec. 31 and 32, T 24 S, R 32.5 E, W.M. Permit G-16337 allows the use of 0.12 CUBIC FOOT PER SECOND (priority date July 25, 2007) from three wells in Sec. 30 and 31, T 24 S, R

32.5 E, W.M. (East Fork Silvies River Basin) for IRRIGATION in Sec 31 and 32. The applicant proposes to change the place of use to Sec. 31 and 32, T 24 S, R 32.5 E, W.M. Certificate 82486 allows the use of 0.67 CUBIC FOOT PER SECOND (priority date April 23, 1985) from a well in Sec. 30, T 24 S, R 32.5 E, W.M. (East Fork Silvies River Basin) for IRRIGATION in Sec. 31 and 32. The applicant proposes to change the point of appropriation approximately 840 feet northeast, 95 feet east, and 1650 feet southwest in Sec. 30 and 31, T 24 S, R 32.5 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-10986 filed by Craig and Patricia A. Apregan, P.O. Box 2184, Sisters, OR 97759, proposes a change in point of diversion under Certificates 81477 and 85970. The rights allow the combined use of 0.339 cubic foot per second (priority date November 1904) from Whychus Creek in Sec. 29, T 15 S, R 10 E, W.M. for irrigation in Sec. 26. The applicant proposes to move the point of diversion approximately 1.5 miles downstream to Sec. 21, T 15 S, R 10 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:	11073
Water Right:	CERT 72197
Priority Date:	OCTOBER 31, 1900
Name:	MT. JEFFERSON FARMS INC.
Address:	P.O. BOX 12708, SALEM OR 97309
Change:	POU
Source:	DESCHUTES RIVER

Water Management and Conservation Plans

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

Any person may review and comment on a draft plan on or before June 10, 2010.

The plans are available for viewing at the Salem office of the Water Resources Department. Comments should focus on elements in the draft that do not meet the requirements of OAR Chapter 690, Division 086 and should include suggestions on how to bring the draft into compliance with the rules.

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

City of Tigard, Oregon (Municipal)

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

Notice of Proposed Order
Applegate Hydroelectric Project - HE 554

Proposed Order on the Public Interest Issues of the
Proposed Project
(ORS 543.225)

This matter comes before the Director on application of Symbiotics, LLC (Applicant) for a hydroelectric Project. The issue before the Director is whether the proposed Project together with the recommended measures to protect, mitigate or enhance the natural resources of the State are sufficient to meet the standards of ORS 543.017, 543.225, and OAR 690-051.

The Project as proposed by Symbiotics, LLC is for the use of up to 825 cubic feet per second of water from Applegate Dam on the Applegate River, tributary to the Rogue River. The proposed project is located in the SE ¼ SE ¼ Section 25, Township 40 South, Range 4 West, W.M.

Water would be released according to the schedule of the U. S. Army Corps of Engineers for flood control, irrigation, recreation and fish purposes. The hydroelectric plant capacity would be 10 MW from 2 turbine/generator units.

This order presents proposed findings of fact and conclusions of law to find that the public interest standards of ORS 543.017, 543.225 and OAR 690-051 have been met with regards to the proposed Project. Accordingly, the Department proposes to issue a new hydroelectric license for this Project.

Any person may protest this proposed order and request a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes Chapter 183 by filing a protest and request for hearing by **June 10, 2010**. ORS 543.230. A protest must be in writing, accompanied by a fee of **\$600.00**, and received at the Oregon Water Resources Department by **5 p.m.** on **June 10, 2010**. ORS 536.050(1)(j). Person may mail or deliver protests and request for hearing to:

Mary Grainey
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301

A contested case hearing on the public interest issues of the Applegate Dam Hydroelectric Project shall be scheduled within 3 months.

Any person may be represented by legal counsel at the hearing. Any person filing a protest or requesting a hearing will be notified of the time and place of the hearing and given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before commencement of the hearing. The hearing will be conducted by an administrative law judge from the Office of Administrative Hearings.

If you do not request a hearing within the time specified in this notice, or if you withdraw a request for hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a final order. If the Director issues a final order by default, the Director will designate the Department's file on this matter as the record for the purpose of proving a prima facie case upon default.

For further information contact: Mary Graine 503-986-0833,
Mary.S.Grainey@wrd.state.or.us.

**OREGON
WATER
RESOURCES
DEPARTMENT**



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

May 11, 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.)