

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
May 18, 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 Limited Licenses**
Requests to use water for 5 years or less. Licenses are subordinate to other rights and may be revoked if a use is found to injure other water right holders.
- * **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 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.

- * **District Permanent Transfers (ORS 540.580)**
Petitions requesting transfers in place of use within a district's boundaries.
- * **Establishment of Mitigation Credits in the Deschutes Basin pursuant to OAR Chapter 690, Division 521 (ORS 537.746)**
- * **Notice of Intent to Reauthorize a Minor Hydroelectric Project**

The Public Notice is published each week on the Department's web site at <http://www.wrd.state.or.us/>. If you would like to receive a *free* weekly notification when it is published, please send your request to "Jonnine.L.SKAUG@wrd.state.or.us".

Permit Application Initial Reviews and Proposed Final Orders

The following pages of this notice list permit applications that the Oregon Water Resources Department is evaluating for compliance with state water laws and regulations. Public participation and comment is encouraged. Opportunities for public involvement vary according to the stage of the permit evaluation.

Ground water permit applications in the Deschutes Basin (basin 5) may seek to provide mitigation pursuant to the Deschutes Ground Water Mitigation Rules by implementing a mitigation project or by obtaining mitigation credits made available by a completed mitigation project. Surface water and/or reservoir permit applications in the Deschutes Basin may be proposed ground water mitigation projects.

Initial Review Stage (IR in the "Stage" column of the permit listing)

The Department has given the applicant the results of an initial review of water use restrictions, water availability and other limits that affect the agency's decision on whether to issue a permit. The applicant has asked the agency to proceed to the next stage of evaluation. The Department welcomes comments from interested persons, agencies and organizations on the proposed water use.

The comment deadline for initial reviews appearing in this public notice is 5pm, Thursday, June 17, 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, July 02, 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)

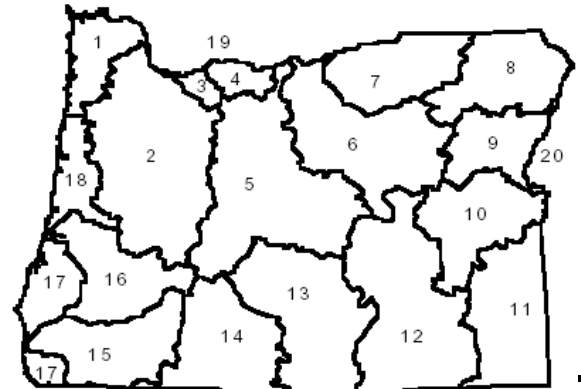
BASINS:

- | | |
|-----------------|---------------------|
| 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-17341	STAMLER, MARK CASCADE ACADEMY OF CENTRAL OREGON	2150 NE STUDIO RD SUITE 2 BEND OR	97701				IR 3
5	A WELL > DESCHUTES RIVER	17.00S 12.00E 9 NESW	Deschutes	04/05/2010	0.053C		
Uses:	CM IR						
G-17260	CLEAVER, ALAN PO BOX 1191 HERMISTON OR	97838					IR 2
7	A WELL > COLUMBIA RIVER	5.00N 26.00E 35 NWNW	Morrow	09/14/2009	2.566C (est)		
7	A WELL > COLUMBIA RIVER	5.00N 26.00E 34 NESE	Morrow	09/14/2009	2.566C (est)		
7	A WELL > COLUMBIA RIVER	5.00N 26.00E 34 NWSE	Morrow	09/14/2009	2.566C (est)		
Uses:	IR IS						
G-17256	LUNDY, DOUGLAS L. PO BOX 412 CRANE OR	97732					PFO 2
12	A WELL > MALHEUR LAKE	25.00S 32.50E 13 SENW	Harney	08/24/2009	0.07C		
Uses:	IR						
G-17226	BARTLETT, DEREK 67035 ROCK ISLAND LANE BEND OR	97701					PFO 2
5	A WELL > WHYCHUS CREEK	15.00S 11.00E 32 NWNW	Deschutes	05/27/2009	0.012C		
Uses:	IR						
S-87558	FISCHER, JOHN 2197 JEPPESEN ACRES RD EUGENE OR	97401					PFO 2
5	A SPRING > ODELL LAKE	23.00S 6.00E 14 SWSE	Klamath	12/08/2009	0.002C		
Uses:	HC						
S-87557	ABNEY, DEAN 10446 ELK GLENN LANE COOS BAY OR	97420					PFO 2
17	GLENN CREEK > EAST FORK MILLICOMA	24.00S 11.00W 25 SWSE	Coos	12/04/2009	0.005C		
Uses:	HC						

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-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 MCCULLOUGH	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
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

<u>Application</u>	<u>Basin</u>	<u>County</u>	<u>Priority</u>	<u>Company</u>	<u>Name</u>	<u>FO Date</u>
G-17181	14	KLAM	02/24/2009	MASAMI FOODS INC.	MAMORU TAKIZAWA	05/13/2010
G-17188	12	HARN	03/17/2009		DARREN LUNDY	05/13/2010
G-17263	8	WALL	09/18/2009		RONALD BOEDIGHEIM	05/13/2010
S-86622	3	CLAC	06/15/2006	HANS NELSON AND SONS NURSERY INC.		05/13/2010
S-87575	16	DOUG	02/02/2010	CEDAR PARK GRAZING		05/13/2010

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-17345	14	Klamath	04/12/2010	DEJONG, TOM TOM DEJONG DAIRY 21821 N POE VALLEY KLAMATH FALLS OR 97603	5/12/2010
G-17372	14	Klamath	04/30/2010	TALLY HO TALLY HO PO BOX 830 MALIN OR	5/12/2010

Application	Basin	County	Date Filed	Name	Final Order Date
G-17357	14	Klamath	04/15/2010	LYON, RICK 32857 TRANSFORMER RD MALIN OR 97632	5/13/2010
G-17362	14	Klamath	04/23/2010	COLVILLE, GEORGE 10505 SPRING LAKE RD KLAMATH FALLS OR 97603	5/14/2010
G-17371	14	Klamath	04/29/2010	CHIN, DANIEL 17817 CHEYNE RD KLAMATH FALLS OR 97603	5/14/2010

Applications for Limited Licenses

A limited license allows the right to use or store water for no more than 5 consecutive years. Use of water under a limited license is subordinate to all other authorized uses and may be shut-off at any time to satisfy those other uses. In addition, the Department may revoke a limited license if its use causes injury to any other water right or minimum perennial streamflow.

Licenseses must maintain a record of how much water they are using (ORS 537.143). **The Department may approve a license after May 31, 2010, upon finding that the proposed water use will not impair or be detrimental to the public interest (OAR 690-340-030).** The public is invited to provide comments that will assist the Director in determining whether the use would impair or be detrimental to the public interest.

LL-1287

NEVADA GEOTHERMAL POWER, INC
STABB, EDWARD
O'KEEFFE, JOHN
1755 E PLUMB LN, SUITE 220
RENO NV 89523

POD: 1 A WELL > CRUMP LAKE
NE ¼ SW ¼ SECTION 27 T 38.00 S R 24.00 E WM
Lake County
0.18 CFS For GEOTHERMAL EXPLORATION DRILLING
POD: 2 A WELL > PELICAN LAKE
NW ¼ NE ¼ SECTION 16 T 39.00 S R 24.00 E WM
Lake County
0.89 CFS For GEOTHERMAL EXPLORATION DRILLING

LL-1288

WERNER, DENNIS
463 S MOON BEAM WAY
EAGLE ID 83616

POD: 1 N ALKALI CR > SNAKE R
NE ¼ SW ¼ SECTION 14 T 22.00 S R 46.00 E WM
Malheur County
11.0 CFS For NON-CONSUMPTIVE USE

LL-1289

CITY OF PRIVEVILLE

KLANN, ERIC

387 NE 3RD

PRINEVILLE OR 97754

POD: 1 A WELL > OCHOCO CR

SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 11 T 15.00 S R 15.00 E WM

Crook County

1.14 (est.) For MUNICIPAL USE

POD: 2 A WELL > OCHOCO CR

SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 11 T 15.00 S R 15.00 E WM

Crook County

1.14 (est.) For MUNICIPAL USE

**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 17, 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-16302
Permit Number: G-15927
CITY OF HARRISBURG
PO BOX 378
HARRISBURG OR 97446
Linn County
Two wells > WILLAMETTE RIVER
1.11 CFS
MUNICIPAL USES
October 1, 2027

**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 July 02, 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:	Lane
Application File Number:	G-15594
Permit Number:	G-15109
Applicant:	OCEAN DUNES, LLC CURTOLA, RANDY
Address:	3345 MUNSEL LAKE RD FLORENCE OR 97439
River Basin:	Middle Coast Basin
Water Source:	THREE WELLS > MUNSEL CREEK
Authorized Use of Water:	IRRIGATION ON 73.78 Acres
Maximum Diversion/ Appropriation Rate:	0.921 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2006 to October 1, 2020.

County of Use: Lane
Application File Number: S-84855
Permit Number: S-53991
Applicant: OCEAN DUNES, LLC
CURTOLA, RANDY
Address: 3345 MUNSEL LAKE RD
FLORENCE OR 97439
River Basin: Middle Coast Basin
Water Source: UNNAMED STREAM > NORTH FORK SIUSLAW RIVER
A RESERVOIR > NORTH FORK SIUSLAW RIVER
Authorized Use of Water: IRRIGATION ON 73.78 Acres
Maximum Diversion/
Appropriation Rate: 0.60 CFS

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

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 17, 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-9986 filed by Lakeview Water Users, Inc., proposes a change in place of use under Certificates 40196 and 85839 and Permit S-43956. The applicant also proposes to change the point of appropriation and place of use under Certificate 22861. Certificate 85839 allows the use of 0.74 cubic foot per second (priority date January 21, 1907 Drews Creek and July 31, 1908 Cottonwood Creek) from Drews Creek (Sec. 11, T40S, R18E W.M.), Drews Reservoir (Sec. 5, T40S, R18E, W.M.), Cottonwood Creek (Sec. 16, T39S, R19E, W.M.) and Cottonwood Creek Reservoir (Sec. 29, T38S, R19E, W.M.) for IRRIGATION of 20.2 acres in Sec. 13 and 24, T39S, R19E, W.M. Permit S-43956 allows the use of 21.6 acre feet of stored water only (priority date September 5, 1961) from Cottonwood Reservoir for SUPPLEMENTAL IRRIGATION of 20.2 acres in Section 13 and 24, T39S, R19E, W.M. The applicant proposes to change the place of use to Sec. 24. Certificate 22861 allows the use of 0.1 cubic foot per second (priority date March 22, 1950) from a well in Sec. 13, T39S, R19E, W.M. (Thomas Creek Basin) for IRRIGATION of 8.2 acres in Sec. 24. The applicant proposes to add change the point of appropriation approximately 250 feet south (Sec. 24, T39S, R19E, W.M.) and to change the place of use to Sec. 13 and 24. Certificate 26875 allows the use of 0.11 cubic foot per second (priority date May 31, 1950) from Drainage Ditches in Sec. 13, T39S, R19E, W.M. for IRRIGATION of 4.5 acres in Sec. 13. The applicant proposes to change the place of use within Sec. 13, T39S, R19E, W.M.) Certificate 40196 allows the use of 0.24 cubic foot per second (priority date November 3, 1969) from a well in Sec. 13, T39S, R19E, W.M. (Thomas Creek Basin) for IRRIGATION of 19.4 acres in Sec. 24.

The applicant proposes to change the place of use to Sec. 13. 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-10400 filed by Paula Bond of GB Enterprises, LLC, 21 C Orinda Way, CA, 94563, proposes to change the place of use and point of appropriation under a portion of Certificate 32460. Certificate 32460 allows the use of 0.057 cfs (priority date April 12, 1960) from Well 1 located within the NWSE of DLC 53, Sec. 8, T12S, R4W, W.M., for irrigation in Sec. 8. The applicant proposes to change the point of appropriation to three new wells within DLC 38, being Wells 2 & 3 within the NWNE and Well 4 within the SWNE, Sec. 8, T12S, R4W, W.M. The applicant also proposes to change the place of use to a different configuration within Sec. 8. 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-10954 filed by KENO WATER COMPANY, c/o GENE COX, PO BOX 771, KENO, OR 97627, proposes an additional point of appropriation and a change in place of use and a change in character of use under Certificate 85625. The right allows the use of 0.33 CUBIC FOOT PER SECOND (priority date SEPTEMBER 19, 1973) from two wells in Sec. 6, T 40S, R 8E, W.M. (Klamath Basin) for DOMESTIC USE for 96 Lots in Sec. 6. The applicant proposes an additional point of appropriation approximately 1000 feet northwest of the nearest well in Sec. 6, T 40S, R 8E, W.M.; to change the place of use to Sec. 24, 25, 26, 35, 36, T 39S, R 7E; Sec. 30, 31, 32, T 39S, R 8E; Sec. 1, 12, T 40S R 7E; and Sec. 6, 7, T 40S, R 8E, W.M.; and to change the character of use to QUASI-MUNICIPAL. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-10997 filed by Gary Engle, 37796 Cottonwood Road, Monument, OR 97864 proposes a change in point of diversion under Certificate 946. The right allows the use of 0.25 cubic foot per second (priority date July 2, 1912) from Cottonwood Creek in Sec. 36, T 10 S, R 27 E, W.M. for irrigation in Sec. 25. The applicant proposes to move the point of diversion approximately 1,000 feet upstream to Sec. 36, T 10 S, R 27 E, W.M. The Water Resources Department has concluded that the proposed transfer does not appear to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 because an instream water right would be injured. The Department is proposing to DENY transfer application T-10997 unless Oregon Department of Fish and Wildlife and Oregon Parks and Recreation Department recommend consent to injury of the instream water right due to net benefit from the proposed change.

T-11004 filed by DAN MCCARTY, 27471 MCCARTY RANCH LANE, ECHO, OR 97826 proposes an additional point of appropriation under Certificates 50853 and 52005. Certificate 50853 allows the use of 5.26 CUBIC FEET PER SECOND (priority date NOVEMBER 5, 1973) from a well in Sec. 36, T 2 N, R 24 E, W.M. (Willow Creek Basin) for IRRIGATION in Sec. 36. Certificate 52005 allows the use of 2.61 CUBIC FEET PER SECOND (priority date MARCH 29, 1974) from a well in Sec. 36, T 2 N, R 24 E, W.M. (Willow Creek Basin) for IRRIGATION in Secs. 1 and 2, T 1 N, R 24 E, W.M. The applicant proposes an additional point of appropriation approximately 0.33 miles southwesterly in Sec. 36, T 2 N, R 24 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-10566, originally filed by MELANIE WEEKS, now assigned to new landowner Mr. Tom Penner, 43731 Jerico Lane, Pendleton, OR 97801, proposes a change in place of use and point of appropriation under a portion of Certificate 53749. The right allows the use of 0.025 cfs (priority date June 27, 1980) from a well within the McKay Creek Basin located in Sec. 34, T2N, R32E, W.M., for IRRIGATION in Sec. 34. The applicant proposes to change the point of appropriation northwest approximately 1000 feet to two wells within the SW1/4 NE1/4 of Sec. 34, and to change the place of use of 2.0 acres to within the same SW1/4 NE1/4 of Sec. 34. 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:	CROOK, JEFFERSON
Transfer:	11073
Water Right:	CERT 72197
Priority Date:	OCTOBER 31, 1900
Name:	MT JEFFERSON FARMS INC. WALTER R. MILLER
Address:	PO BOX 12708, SALEM OR 97309
Change:	PLACE OF USE
Source:	DESCHUTES RIVER

District Permanent Transfers (ORS 540.580)

A district may request to permanently change the place of use within district boundaries. A district may provide notice to the Department of a change before it is made, and shall submit a district permanent application prior to the end of the calendar year in which the change occurs. The Department shall approve the transfer application provided it does not cause injury to existing water rights or expand the water use. The final order approving the permanent transfer is subject to protest.

This public notice also includes district notices of proposed changes. The Department will accept comments on injury and enlargement of changes in place of use associated with the notice and use those comments in the review of the proposed change.

The Department seeks public comment on recently filed district transfer applications listed below. The deadline for comments or protests to the transfer application must be received by the Department on or before June 17, 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: DESCHUTES
NOTICE OF DISTRICT
PERMANENT TRANSFER: NOTICE #T-2010-007
CERTIFICATE: 83571, 76714
PRIORITY DATE: 1900,1907,1913
NAME: CENTRAL OREGON IRRIGATION DISTRICT
ADDRESS: 1055 SW LAKE COURT REDMOND OR 97756
CHANGE: POU
SOURCE: DESCHUTES RIVER/CRANE PRAIRIE RES
ACRES: 3.50
AUTHORIZED POU: T17S R13E 20
T17S R12E 14
PROPOSED POU: T15S R14E 11

COUNTY: DESCHUTES
NOTICE OF DISTRICT
PERMANENT TRANSFER: NOTICE #T-2010-011
CERTIFICATE: 83571, 76714
PRIORITY DATE: 1900,1907,1913
NAME: CENTRAL OREGON IRRIGATION DISTRICT
ADDRESS: 1055 SW LAKE COURT REDMOND OR 97756
CHANGE: POU
SOURCE: DESCHUTES RIVER/CRANE PRAIRIE RES
ACRES: 1.00

AUTHORIZED POU: T17S R13E 21
PROPOSED POU: T17S R13E 21

COUNTY: DESCHUTES

NOTICE OF DISTRICT

PERMANENT TRANSFER: NOTICE #T-2010-013

CERTIFICATE: 83571, 76714

PRIORITY DATE: 1900,1907,1913

NAME: CENTRAL OREGON IRRIGATION DISTRICT

ADDRESS: 1055 SW LAKE COURT REDMOND OR 97756

CHANGE: POU

SOURCE: DESCHUTES RIVER/CRANE PRAIRIE RES

ACRES: 1.40

AUTHORIZED POU: T17S R12E 14

PROPOSED POU: T17S R13E 18

Establishment of Mitigation Credits in the Deschutes Basin

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

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

Deschutes County

Mitigation Project #: MP-136

Project Applicant: Deschutes River Conservancy Mitigation Bank and
Three Sisters Irrigation District

Mitigation Project
And Process: Instream Lease Application IL-1074 for Certificate
74135

Subbasin/Source: Whychus Creek Subbasin – Whychus Creek, tributary
to the Deschutes River

Amount of Water: Proposed Instream: up to 3.939 CFS
Maximum Seasonal Volume –
718.72 AF

Current Use: Irrigation of 196.93 acres

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

Preliminary Mitigation

Credit Determination: 354.5 Mitigation Credits
May be available within the Whychus Creek and
General Zones of Impact

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

Notice of Intent to Reauthorize A Minor Hydroelectric Project

Consistent with Oregon Revised Statute 543A.030, The Department is providing public notice on the following Notice of Intent filed with the department seeking the reauthorization of an existing minor hydroelectric project.

Application:	HE 528
Expiration date:	December 31, 2011.
Applicants:	Doug Sharkey
Address:	8433 Highway 35, Mount Hood Parkdale, OR 97041-9762
Amount of water:	0.12 cubic feet per second
Source of water:	Rimrock Creek, tributary to East Fork Hood River.
Location of the Point of Diversion:	NW 1/4 NE 1/4 of Section 16, Township 1 South, Range 10 East, W.M.,
Place of Use:	SE 1/4 SW 1/4 of Section 9, Township 1 South, Range 10 East, W.M.,
Purpose:	To supply power to own home
Power developed:	2 Theoretical Horsepower.

**OREGON
WATER
RESOURCES
DEPARTMENT**



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

May 18, 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.)