

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
May 25, 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](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.
- \* **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.
- \* **Expedited Secondary Applications to Use Stored Water**  
Applications to use stored water exclusively, filed under a simplified review process.
- \* **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.
- \* **Recommendation to Consent to Injury**  
A recommendation from the agency that requested establishment of an instream water right for the Department to consent to injury of the instream water right resulting from a transfer.

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 24, 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 09, 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
<a href="#">G-17298</a>	HOLDAWAY, JONATHAN 3660 SWAN LAKE RD	KLAMATH FALLS OR 97603					IR 2
14	A WELL > SWAN LAKE	38.00S 10.00E 16 SESE	Klamath	01/15/2010	0.167C		
Uses:	IR						
<a href="#">G-17305</a>	WATSON, DOUGLAS 1091 NE CREEKSEdge DR	HILLSBORO OR 97124					IR 3
2	A WELL > WEST FORK DAIRY CREEK	2.00N 4.00W 13 NWSW	Washington	02/04/2010	0.022C		
Uses:	IR						
<a href="#">G-17175</a>	RIBEIRO, STEVEN ALDEIA LLC 290 S THIRD ST	INDEPENDENCE OR 97351					IR 3
2	A WELL > WILLAMETTE RIVER	8.00S 4.00W 28 NWNE	Polk	02/10/2009	0.083C (est)		
2	A WELL > WILLAMETTE RIVER	8.00S 4.00W 28 NWNE	Polk	02/10/2009	0.083C (est)		
2	A WELL > WILLAMETTE RIVER	8.00S 4.00W 28 NWNE	Polk	02/10/2009	0.083C (est)		
Uses:	GT						
<a href="#">R-84768</a>	BLAINE LIMITED PARTNERSHIP BLAINE LIMITED PARTNERSHIP	4676 HUTSON DR PARKDALE OR 97041					PFO 2
5	RUNOFF > GATE CREEK	5.00S 12.00E 4 NWNW	Wasco	06/01/2001	80.0A		
5	RUNOFF > GATE CREEK	4.00S 12.00E 5 NWNE	Wasco	06/01/2001	80.0A		
Uses:	ST						
<a href="#">S-87539</a>	WHITewater RANCH LLC WHITewater RANCH LLC	43137 MCKENZIE HWY LEABURG OR 97489					PFO 2
2	GOOSE CREEK > MCKENZIE RIVER	17.00S 2.00E 6 NWSW	Lane	10/15/2009	1.48C		
Uses:	IR						
<a href="#">S-87538</a>	WHITewater RANCH LLC WHITewater RANCH LLC	43137 MCKENZIE HWY LEABURG OR 97489					PFO 2
2	MCKENZIE RIVER > WILLAMETTE RIVER	17.00S 1.00E 1 NESE	Lane	10/15/2009	2.0C		
Uses:	AG						
<a href="#">G-17309</a>	CLARIZIO, J D.; DBA ARROWHEAD GOLF CLUB	CLARIZIO INDUSTRIES INC. PO BOX 1308 28301 S HWY 213					IR 3
2	A WELL > MOLALLA RIVER	4.00S 2.00E 29 NENW	Clackamas	02/09/2010	0.09C (est)		
2	A WELL > MOLALLA RIVER	4.00S 2.00E 20 SWSE	Clackamas	02/09/2010	0.09C (est)		
2	A WELL > MOLALLA RIVER	4.00S 2.00E 29 NESW	Clackamas	02/09/2010	0.09C (est)		
Uses:	IR						

App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status
<a href="#">G-17365</a>	ROOT, ANDY 524 HWY 20 N HINES OR 97738						IR 2
	12 A WELL > JONES CANYON	22.00S 33.00E 30 SWNW	Harney	04/26/2010	0.9C		
	12 A WELL > JONES CANYON	22.00S 33.00E 30 SWSW	Harney	04/26/2010	0.5C		
Uses:	IR						
<a href="#">G-17368</a>	GERSTNER, PHILIP L. 55958 COOK ALLEN LANE FOX OR 97856						IR 2
	6 A WELL > PAUL CREEK	10.00S 30.00E 5 NWSE	Grant	04/28/2010	1.571C		
Uses:	IR IS						
<a href="#">S-85745</a>	NESKOWIN REGIONAL WATER DISTRICT NESKOWIN REGIONAL WATER DISTRICT PO BOX 823 NESKOWIN OR 97						PFO 2
	1 HAWK CREEK > BUTTE CREEK	5.00S 11.00W 25 SESE	Tillamook	08/20/2003	1.0C		
Uses:	MU						
<a href="#">S-84767</a>	BLAINE LIMITED PARTNERSHIP BLAINE LIMITED PARTNERSHIP 4676 HUTSON DR PARKDALE OR 97041						PFO 2
	5 A RESERVOIR > GATE CREEK	4.00S 12.00E 33 SWSW	Wasco	06/01/2001	80.0A		
	5 A RESERVOIR > GATE CREEK	4.00S 12.00E 32 NENE	Wasco	06/01/2001	80.0A		
Uses:	IR						

## Permit Application Final Orders

Following is a list of applications that have had final orders issued recently. If you would like a copy of any of the final orders, you may send a request with \$20.00 for each final order to the Water Rights Section, Oregon Water Resources Department, 725 Summer Street NE Ste A, Salem OR 97301. If you have any questions, please contact the Department's customer service staff by dialing 503-986-0801.

Application	Basin	County	Priority	Company	Name	FO Date
<a href="#">G-17181</a>	14	KLAM	02/24/2009	MASAMI FOODS INC.	MAMORU TAKIZAWA	05/13/2010
<a href="#">G-17188</a>	12	HARN	03/17/2009		DARREN LUNDY	05/13/2010
<a href="#">G-17263</a>	8	WALL	09/18/2009		RONALD BOEDIGHEIM	05/13/2010
<a href="#">S-86622</a>	3	CLAC	06/15/2006	HANS NELSON AND SONS NURSERY INC.		05/13/2010
<a href="#">S-87575</a>	16	DOUG	02/02/2010	CEDAR PARK GRAZING		05/13/2010
<a href="#">G-17231</a>	5	DESC	06/05/2009		TED MOORE	05/20/2010
<a href="#">G-17258</a>	5	DESC	08/27/2009		RAY SEIDLER	05/20/2010
<a href="#">G-17292</a>	5	DESC	12/07/2009		STEPHEN ERAKER	05/20/2010
<a href="#">R-87278</a>	6	WHEE	08/27/2008		JAMES KEMMER	05/20/2010
<a href="#">R-87476</a>	15	JACK	06/23/2009		TERRY SHORES	05/20/2010
<a href="#">S-86881</a>	7	UMAT	05/29/2007		DAVID LESSER	05/20/2010
<a href="#">S-87588</a>	2	CLAC	03/05/2010		JACK PERRIN	05/20/2010

## 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 24, 2010.**

R-87604

PETERSON, DARREL

32212 BELLINGER SCALE RD

LEBANON OR 97355

POD: 1 UNNAMED STREAM > HAMILTON CREEK

NW 1/4 SW 1/4 Section 15T 12.00S R 1.00W WM

Linn County

8.8 A for MULTIPLE PURPOSE

R-87606

U.S. DEPARTMENT OF JUSTICE; BUREAU OF PRISONS

U.S. DEPARTMENT OF JUSTICE; BUREAU OF PRISONS

SHERIDAN FEDERAL PRISON CAMP

27072 BALLSTON RD

SHERIDAN OR 97378

CROTEAU, KEN

27072 BALLSTON RD

SHERIDAN OR 97378

POD: 1 SPRINGS > SOUTH YAMHILL RIVER

NE 1/4 NW 1/4 Section 2 T 6.00S R 6.00W WM

Yamhill County

1.0 A for MULTIPLE PURPOSE

R-87607

U.S. DEPARTMENT OF JUSTICE; BUREAU OF PRISONS

U.S. DEPARTMENT OF JUSTICE; BUREAU OF PRISONS

SHERIDAN FEDERAL PRISON CAMP

27072 BALLSTON RD

SHERIDAN OR 97378

CROTEAU, KEN

27072 BALLSTON RD

SHERIDAN OR 97378

POD: 1 SPRING > SOUTH YAMHILL RIVER

NW 1/4 NE 1/4 Section 2 T 6.00S R 6.00W WM

Yamhill County

1.0 A for MULTIPLE PURPOSE



R-87610  
PALMER, TIMOTHY E.  
8599 ELKHEAD RD  
YONCALLA OR 97499

PALMER, CONSTANCE C.  
8599 ELKHEAD RD  
YONCALLA OR 97499  
POD: 1 RUNOFF > ELK CREEK  
SE 1/4 NW 1/4 Section 21T 23.00S R 4.00W WM  
Douglas County  
1.0 A for MULTIPLE PURPOSE

R-87611  
PRONGHORN RECREATION LLC  
PRONGHORN RECREATION LLC  
38425 SE BOITANO RD  
SANDY OR 97055  
POD: 1 RUNOFF > ANTELOPE CREEK  
SW 1/4 NE 1/4 Section 20T 8.00S R 16.00E WM  
Wasco County  
2.0 A for MULTIPLE PURPOSE

R-87612  
FOX, VINCENT J.  
31255 KENADY LANE  
COTTAGE GROVE OR 97424  
POD: 1 RUNOFF > BOREN CREEK  
SW 1/4 SW 1/4 Section 6 T 21.00S R 3.00W WM  
Lane County  
0.5 A for MULTIPLE PURPOSE (est.)  
  
POD: 2 A SPRING > BOREN CREEK  
SW 1/4 SW 1/4 Section 6 T 21.00S R 3.00W WM  
Lane County  
0.5 A for MULTIPLE PURPOSE (est.)

## **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 24, 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-87577  
VOIGT, BARBARA  
PO BOX 369  
PRAIRIE CITY OR 97869

VOIGT, KELLY  
PO BOX 369  
PRAIRIE CITY OR 97869  
POD: 1 A RESERVOIR > JOHN DAY RIVER  
SW 1/4 SW 1/4 Section 7 T 13.00S R 33.00E WM  
Grant County  
0.011 CFS for IRRIGATION (est.)  
0.011 CFS for LIVESTOCK (est.)  
0.022 CFS for LIVESTOCK

## 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
<a href="#">G-17353</a>	14	Klamath	04/15/2010	ROBISON, LUKE PO BOX 109 MERRILL OR 97633	5/19/2010
<a href="#">G-17374</a>	14	Klamath	05/06/2010	CARLAND, DALE PO BOX 64 MIDLAND OR 97634	5/20/2010
<a href="#">G-17376</a>	14	Klamath	05/07/2010	GALLUP, ROBERT M. 20990 MORELOCK RD MALIN OR 97632	5/25/2010

**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 24, 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-16292  
Permit Number: G-15847  
CASPER, DAVID  
1154 ABBOTT RD  
WALLA WALLA WA 99362  
Umatilla County  
A WELL > BIRCH CREEK  
1.0 CFS  
IRRIGATION USE ON 80.0 ACRES  
October 1, 2014

**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 09, 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:	Coos
Application File Number:	R-73854
Permit Number:	R-12893
Applicant:	FUGATE, JACK FUGATE, SHERI FUGATE, BARBARA
Address:	PO BOX 426 BANDON OR 97411
River Basin:	South Coast Basin
Water Source:	UNNAMED STREAM > TWOMILE CREEK
Authorized Use of Water:	CRANBERRY OPERATIONS
Maximum Diversion/ Appropriation Rate:	LESS THAN 9.2 AF

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

County of Use: Coos  
Application File Number: R-73855  
Permit Number: R-12894  
Applicant: FUGATE, JACK  
FUGATE, SHERI  
FUGATE, BARBARA  
Address: PO BOX 426  
BANDON OR 97411  
River Basin: South Coast Basin  
Water Source: THREE UNNAMED STREAMS > TWOMILE CREEK  
FEILS RUNOFF > TWOMILE CREEK  
Authorized Use of Water: CRANBERRY OPERATIONS  
Maximum Diversion/  
Appropriation Rate: 32.0 AF TOTAL EACH YEAR, BEING 5.0 AF IN  
RESERVOIR #2, 5.0 AF IN RESERVOIR #4, 4.0 AF IN RESERVOIR #5, 9.0 AF IN  
RESERVOIR #6 AND 9.0 AF IN RESERVOIR #7  
Recommendation: The department proposes to grant an extension of time to  
apply water to full beneficial user from October 1, 2004 to October 1, 2015.

## Applications for Instream Lease

ORS 537.348 authorizes a water right holder to lease their existing water right(s) to instream use for a limited time. For the term of the lease, the water right holder agrees to suspend use of water under the original right. The state is the trustee for water rights leased for instream use. OAR 690-077-0077 requires that the Department public notice the lease applications.

**The deadline for submitting claims of injury to existing water rights or enlargement of the original right against a lease application is June 15, 2010.** Parties to the lease, including the Department, will review any such claims before the lease is finalized. The lease files are available for viewing at the Salem office of the Water Resources Department.

County: Douglas

Instream Lease Number: IL 346

Lessor:

SWANSON GROUP MFG. LLC  
P.O. BOX 250  
2695 GLENDALE VALLEY ROAD  
GLENDALE OR 97442

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM ORIGINAL POD TO THE MOUTH OF WINDY CREEK

Cert# Acres	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to
79633 CF *		7/31/1947	SM	0.9	651.57	WINDY CREEK	COW CREEK

Reach: CUNNINGHAM DITCH POD TO THE MOUTH OF WINDY CREEK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
79690	CR *	12/31/1886	IM	0.77	382.55	WINDY CREEK	COW CREEK	

County: Douglas

Instream Lease Number: IL 649

Lessor:  
 BOOKE, NORMA W.  
 1399 NW MOSELLE PLACE  
 CORVALLIS OR 97330

Reach: FROM THE POD, AT APPROXIMATELY RIVER MILE 8, TO THE MOUTH OF CALAPOOYA CREEK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
64327	CF RR *	S 19144	12/29/1949	IR	0.349	69.8	CALAPOOYA CREEK	UMPQUA RIVER 7.92

County: Douglas

Instream Lease Number: IL 801

Lessor:  
 BOOKE, NORMA W.  
 1399 NW MOSELLE PLACE  
 CORVALLIS OR 97330

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM THE POD, AT APPROXIMATELY RIVER MILE 8, TO THE MOUTH OF CALAPOOYA CREEK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
64327	CF RR *	S 19144	12/29/1949	F4,IR	0.029	5.75	CALAPOOYA CREEK	UMPQUA RIVER 2.3



County: Douglas

Instream Lease Number: IL 1075

Lessor:

DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT; TOM MANTON  
1036 SE DOUGLAS, ROOM 306  
ROSEBURG OR 97470

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD TO THE MOUTH OF SUTHERLIN CREEK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
17312 OR *	R 875	7/20/1944	IM	0.165	79.08	SUTHERLIN CREEK	NORTH UMPQUA RIVER	
17312 OR *	R 875	10/7/1946	IM	0.144	69.0	SUTHERLIN CREEK	NORTH UMPQUA RIVER	
17353 OR *	S 17686	7/20/1944	IM	0.9	220.0	SUTHERLIN CREEK	NORTH UMPQUA RIVER	

## 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 24, 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: CROOK  
Transfer: 11074  
Water Right: CERT 84484  
Priority Date: MARCH 24, 1992  
Name: DONNA L. DOBIN, FRITZ G. DOBIN  
Address: 15630 SE TEN EYCK ROAD, SANDY OR 97055  
Change: POINT OF APPROPRIATION  
Source: A WELL

County: JEFFERSON  
Transfer: 11076  
Water Right: CERT 81669  
Priority Date: DECEMBER 31, 1888  
Name: ANN INGHAM  
Address: 26248 METOLIUS MEADOWS DR,  
CAMP SHERMAN OR 97759  
Change: USE, HIST POD  
Source: LAKE CREEK

County: DESCHUTES  
Transfer: 11077  
Water Right: CERT 75982  
Priority Date: MAY 16, 1991  
Name: BROOKS CAPPS  
Address: PO BOX 2109, SISTERS OR 97759  
Change: POINT OF APPROPRIATION  
Source: A WELL

## **Transfer Preliminary Determinations**

A Preliminary Determination provides the Department's conclusion as to whether a proposed change in place of use, point of diversion or appropriation, or character of use of an existing water right should be approved. Changes of water rights may be proposed in an application for transfer (including instream, historic POD, exchange, substitution or ground water registration modification).

The Department has issued preliminary determinations on the transfer applications listed below. In addition to this notice, the Department is complying with ORS 540.520(2) that requires publication of notice in a local newspaper for all transfers except those proposing a change in place of use only or a change in point of diversion of less than ¼ mile where there are no intervening diversion points.

Any person may protest the application and preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-0900, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant and \$300.00 protest fee for applicant. A Water Right Transfer Protest Form is available at <http://www.oregon.gov/OWRD/PUBS/forms.shtml> or by calling 503-986-0888. Protests must be received by the Department on or before June 24, 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-6948 filed by Kraemer Farms, 13318 Dominic Road NE, Mt. Angel, OR 97362, proposes a change in place of use under Certificates 83084 and 83085. The right described by Certificate 83084 allows the use of 0.224 cubic foot per second (priority date May 26, 1981) from Butte Creek in Sec. 8, T 6 S, R 1 E, W.M. for irrigation in Sec. 6. The right described by Certificate 83085 allows the use of 0.222 cubic foot per second (priority date September 20, 1983) from two wells in Sec. 8, T 6 S, R 1 E, W.M. (Butte Creek Basin) for supplemental irrigation in Sec. 6. The applicant proposes to change the place of use of both rights to Sec. 17, T 6 S, R 1 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-8115 filed by Kraemer Farms, 13318 Dominic Road NE, Mt. Angel, OR 97362, proposes a change in place of use under Certificates 83084 and 83085. The right described by Certificate 83084 allows the use of 0.252 cubic foot per second (priority date May 26, 1981) from Butte Creek in Sec. 8, T 6 S, R 1 E, W.M. for irrigation in Sec. 7. The right described by Certificate 83085 allows the use of 0.249 cubic foot per second (priority date September 20, 1983) from two wells in Sec. 8, T 6 S, R 1 E, W.M. (Butte Creek Basin) for supplemental irrigation in Sec. 7. The applicant proposes to change the place of use of both rights to Sects. 8 and 17, T 6 S, R 1 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-10773 filed by Benton County Natural Areas and Parks Department, 360 SW Avery Ave, Corvallis, OR 97330, proposes a change in point of diversion, place of use, and character of use under Certificate 45831. The right allows the use of 0.015 cubic foot per second (priority date May 27, 1975) from a spring, with any deficiency to be made up from Plunkett Creek, in Sec. 4, T 11 S, R 6 W, and Sec. 33, T 10 S, R 6 W, W.M. for domestic use for one family and irrigation in Sec. 33. The applicant proposes to move the authorized point of diversion on Plunkett Creek approximately 140 feet downstream to Sec. 4, T 11 S, R 6 W, W.M. and to change the character of use to fire protection. 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 10802 filed by City of Tigard, 13125 SW Hall Blvd, Tigard, OR 97223, proposes additional points of appropriation and to modify the place of use under Registration Application GR-616 (Certificate of Registration GR-518). The ground water registration claims the use of 200 gallons per minute (tentative priority date April 25, 1947 from a well in Sec. 11, T 2 S, R 1 W, W.M. (Fanno Basin) for municipal uses in Sec. 34, T 1 S, R 1 W, and Sects. 2, 3, 9, 10, and 11, T 2 S, R 1 W, W.M. The applicant proposes four additional points of appropriation approximately 0.025 to 1.2 miles west within Sects. 9, 10, and 11, T 2 S, R 1 W, W.M. and to change the place of use to Sects. 27, 33, 34, 35, and 36, T 1 S, R 1 W, and Sects. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 24, T 2 S, R 1 W, W.M. The Water Resources Department has concluded that the proposed modification appears to be consistent with the requirements of ORS Chapter 537, ORS Chapter 540 and OAR 690-382-1000.

T 10803 filed by the City Of Tigard, 13125 SW Hall Blvd, Tigard, OR 97223, proposes additional points of appropriation under Registration Application GR-615 (Certificate of Registration GR-587). The ground water registration claims the use of 500 gallons per minute (tentative priority date July 30, 1949 from a well in Sec. Sec. 10, T 2 S, R 1 W, W.M. (Fanno Basin) for municipal uses in Sec. 34, T 1 S, R 1 W, and Sects. 2, 3, 9, 10, and 11, T 2 S, R 1 W, W.M. The applicant proposes four additional points of appropriation approximately 0.3 to 0.5 miles southwest and 0.8 mile east within Sects. 9, 10, and 11, T 2 S, R 1 W, W.M. and to change the place of use to within Sects. 27, 33, 34, 35, and 36, T 1 S, R 1 W, and Sects. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 24, T 2 S, R 1 W, W.M. The Water Resources Department has concluded that the proposed modification appears to be consistent with the requirements of ORS Chapter 537, ORS Chapter 540 and OAR 690-382-1000.

T-10866 filed by TINA AND JEREMY J. GARGUREVICH, 262 WESTWOOD LANE, ROSEBURG, OR 97471 AND RONALD G. FRASHOUR, JR., 30116 SE CHASE ROAD, GRESHAM, OR 97080, proposes a change in point of diversion under Certificates 39728 and 67753. The rights allow the use of 0.007 CUBIC FOOT PER SECOND and 0.018 CUBIC FOOT PER SECOND (priority dates of FEBRUARY 19, 1968 and May 17, 1982) respectively, from the NORTH UMPQUA RIVER in Sec. 33, T26 S, R 6 W, W.M. for IRRIGATION in Sec. 28 & 33. The applicant proposes to move the points of diversion approximately 110-250 feet downstream to a point in Sec. 33, T 26 S,

R 6 W, W.M. The change appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

T 10959 filed by Kraemer Farms, 13318 Dominic Road NE, Mt. Angel OR 97362 proposes to modify the point of appropriation and to modify the place of use under Registration Application GR-243 (Certificate of Registration GR-219). The ground water registration claims the use of 100 gallons per minute (tentative priority date February 1950) from a well in Sec. 6, T 6 S, R 1 E, W.M. (Willamette Basin) for irrigation and domestic in Sec. 6. The applicant proposes to modify the location of the original point of appropriation and approximately 1.25 miles southwest to Sec. 7, T 6 S, R 1 E, W.M.) and to change the place of use to Sec. 17, T 6 S, R 1 E, W.M. The Water Resources Department has concluded that the proposed modification appears to be consistent with the requirements of ORS Chapter 537, ORS Chapter 540 and OAR 690-382-1000.

## **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, DESCHUTES, JEFFERSON  
Transfer: 11075  
Water Right: CERT 76714,83571  
Priority Date: 1913,1900  
Name: CENTRAL OREGON IRRIGATION DISTRICT  
RIVERS EDGE INVESTMENTS LLC  
Address: 1055 SW LAKE COURT, REDMOND OR 97756  
Change: PLACE OF USE, POINT OF DIVERSION  
Source: DESCHUTES RIVER/CRANE PRAIRIE RESERVOIR

County: MARION  
Transfer: 11078  
Water Right: CERT 86303  
Priority Date: SEPTEMBER 16, 1967  
Name: DAVID LECOMPTE, KATHY LECOMPTE  
Address: 9785 PORTLAND RD NE, SALEM OR 97305  
Change: PLACE OF USE  
Source: A WELL

## **Recommendation to Consent to Injury**

Pursuant to ORS 540.530(1)(c) and OAR 690-380-5050, the state agency that requested establishment of an instream water right has recommended that the Water Resources Department consent to the injury of the instream water right resulting from a proposed change in point of diversion. Copies of the transfer documents and the state agency's recommendation are available for viewing at the Salem office of the Water Resources Department.

Any person may review the recommendation and submit written comments or may submit a written request for a public meeting to review the recommendation. The comments or request for a meeting must be received on or before June 24, 2010. To review the recommendation, contact the Water Resources Department Transfers Section. Written comments and requests for a public meeting should be mailed to Transfers Section, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1271 or faxed to 503-986-0903.

T 10984 filed by Lewis D. Neal, Jr. and Mary E. Neal, 41720 Manny Neal Rd., Kimberly, OR 97848, and Brian and Patrice Prater, P.O. Box 20, McKenna, WA 98558, proposes changes in point of diversion under Certificate 29970. The applicant proposes to change the point of diversion approximately 1,210 feet upstream in the North Fork John Day River within Sec. 7, T 9 S, R 27 E, W.M. The Department determined that the transfer would injure instream water right Certificates 66611 and 72643. The Oregon Department of Fish and Wildlife (ODFW) concluded that the transfer would result in net benefits to the resource because a pushup dam will be removed and replaced by fixed pump station in a natural pool. This will remove a current barrier to fish passage and recurring disturbance of the streambank. The proposed change will allow adequate volitional fish passage, will increase the quantity and quality of fish habitat through providing more escape and forage habitat, and increased shade may result in cooler water temperatures. Copies of the WRD's Preliminary Determination proposing denial of the transfer unless ODFW recommends consent to injury of the instream water right and ODFW's recommendation are available for viewing at the Salem office of the Water Resources Department. Any person may review the recommendation and submit written comments or may submit a written request for a public meeting to review the recommendation. The comments or request for a meeting must be received by WRD on or before June 24, 2010. WRD will provide copies of any comments submitted in response to this notice to ODFW. If a meeting is requested, WRD will schedule a joint public meeting with ODFW to review the recommendation. To review the recommendation, contact Dorothy Pedersen at 503-986-0890 or e-mail Dorothy.I.Pedersen@wrd.state.or.us. Written comments and requests for a public meeting should be mailed to Attn: Dorothy Pedersen, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1266 or faxed to 503-986-0903.

# **OREGON WATER RESOURCES DEPARTMENT**



725 Summer Street NE Ste A  
Salem OR 97301

## **PUBLIC NOTICE OF WATER USE REQUESTS**

May 25, 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:**

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\* 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.)