

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
June 8, 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.
- * **District Permanent Transfers (ORS 540.580)**
Petitions requesting transfers in place of use within a district's boundaries.

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, July 08, 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 23, 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)

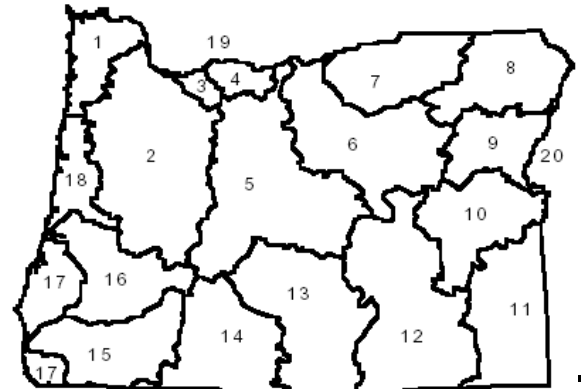
BASINS:

- | | |
|-----------------|---------------------|
| 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-17001 | DUCKWORTH, MITCHEL 689 I ST VALE OR | 97918 | | | | | PFO 2 |
| 10 | A WELL > MALHEUR RIVER | 19.00S 43.00E 30 NWNW | Malheur | 02/04/2008 | 0.22C | | |
| 10 | A WELL > MALHEUR RIVER | 19.00S 43.00E 30 NWNW | Malheur | 02/04/2008 | 0.22C | | |
| Uses: | FI | | | | | | |
| G-17363 | MCDERMID, RONALD M. 70854 GORDON RIDGE RD WASCO OR | 97065 | | | | | IR 2 |
| 5 | A WELL > GORDON CANYON | 1.00N 16.00E 18 SESW | Sherman | 04/26/2010 | 0.201C | | |
| Uses: | IR IS | | | | | | |
| G-17304 | SKORNIAK, ROBERT R. 3405 13TH PLACE SE SALEM OR | 97302 | | | | | IR 3 |
| 2 | A WELL > POWELL CREEK | 8.00S 3.00W 27 NENW | Marion | 02/02/2010 | 0.011C | | |
| Uses: | NU | | | | | | |
| G-17364 | ROMANO, JAMES A. GARDEN OF MEADEN 16110 JONES RD WHITE CITY OR | 97503 | | | | | IR 2 |
| 15 | A WELL > CONSTANCE CREEK | 35.00S 2.00W 2 SESW | Jackson | 04/26/2010 | 0.044C | | |
| Uses: | IR | | | | | | |
| G-17359 | RUHL, RICH 390 COBURG RD SUITE F EUGENE OR | 97401 | | | | | IR 2 |
| 7 | A WELL > BLACKHORSE CANYON | 1.00S 25.00E 35 NENE | Morrow | 04/20/2010 | 0.334C | | |
| Uses: | IR | | | | | | |
| G-17282 | MCNULTY WATER PEOPLES UTILITY DISTRICT MCNULTY WATER PEOPLES UTILITY DISTRICT PO BOX 260 SAI | | | | | | PFO 2 |
| 2 | A WELL > MILTON CREEK | 5.00N 1.00W 31 SESW | Columbia | 11/04/2009 | 1.0C | | |
| Uses: | QM | | | | | | |
| S-86827 | COUNTY OF POLK COUNTY OF POLK 850 MAIN ST DALLAS OR | 97338 | | | | | PFO 2 |
| 2 | WILLAMETTE RIVER > COLUMBIA RIVER | 9.00S 4.00W 23 SWSE | Polk | 04/05/2007 | 12.5C (est) | | |
| 2 | WILLAMETTE RIVER > COLUMBIA RIVER | 8.00S 4.00W 11 SESW | Polk | 04/05/2007 | 12.5C (est) | | |
| Uses: | MU | | | | | | |

| App# | Basin Source | Township/Range | County | Priority | Quantity | Stage | Status |
|-------------------------|---|-----------------------|----------|------------|--------------|-------|--------|
| G-17213 | SIDDOWAY, BERT PO BOX 115 DURKEE OR | 97905 | | | | | PFO 2 |
| 9 | A WELL > PRITCHARD CREEK | 11.00S 43.00E 19 NENE | Baker | 05/11/2009 | 3.34C | | |
| Uses: IR IS | | | | | | | |
| R-87609 | THREE VALLEYS RANCH LLC THREE VALLEYS RANCH LLC PO BOX 798 HEPPNER OR | 97836 | | | | | IR 2 |
| 6 | SPRINGS > STAHL CANYON | 7.00S 24.00E 5 NWNW | Wheeler | 05/11/2010 | 165.77A | | |
| Uses: ST | | | | | | | |
| G-17315 | RODRIGUEZ, TERESO 1786 PASEO LAGUNA SECO 163 LIVERMORE CA | 94551 | | | | | IR 2 |
| 7 | A WELL > HAT ROCK DRAIN | 5.00N 29.00E 31 NWSW | Umatilla | 02/26/2010 | 0.212C | | |
| Uses: IR | | | | | | | |
| G-17265 | MASTRE, BRAD PO BOX 326 HINES OR | 97738 | | | | | PFO 2 |
| 12 | A WELL > NINEMILE SLOUGH | 23.00S 32.00E 36 SESE | Harney | 09/21/2009 | 2.665C (est) | | |
| 12 | A WELL > NINEMILE SLOUGH | 23.00S 32.00E 36 SESW | Harney | 09/21/2009 | 2.665C (est) | | |
| Uses: IR | | | | | | | |
| G-17124 | SWINGLE, BURT PO BOX 589 LAKEVIEW OR | 97630 | | | | | PFO 2 |
| 13 | A WELL > GOOSE LAKE SWALE | 39.00S 19.00E 15 NENE | Lake | 10/17/2008 | 1.0C | | |
| Uses: IR | | | | | | | |
| G-17280 | COUNTY OF WALLOWA COUNTY OF WALLOWA 619 MARR POND LANE ENTERPRISE OR | 97828 | | | | | PFO 2 |
| 8 | A WELL > SPRING CREEK | 2.00S 44.00E 3 NWSW | Wallowa | 10/23/2009 | 0.67C | | |
| Uses: CM | | | | | | | |

ADDENDUM TO THE JUNE 1, 2010, PUBLIC NOTICE OF WATER USE REQUESTS

Application G-17204 Sherwood School Dist, Wayne Lowry

The Oregon Water Resources Department is recalling a Proposed Final Order (PFO) that was put on the June 1, 2010 Public Notice of Water Use Requests for Application G-17204 (Sherwood School Dist, Wayne Lowry). The Department will issue a Proposed Final Order (PFO) for this application at a later time.

| App# | Basin Source | Township/Range | County | Priority | Quantity | Stage | Status |
|-------------------------|---------------------------------------|---------------------|-------------|------------|----------|-------|--------|
| G-17204 | LOWRY, WAYNE SHERWOOD SCHOOL DISTRICT | 23295 SW MAIN ST | SHERWOOD OR | 97140 | | | PFO 3 |
| 2 | A WELL > CEDAR CREEK | 2.00S 1.00W 30 SWNW | Washington | 04/16/2009 | 0.12C | | |
| 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 |
|-------------------------|-------|--------|------------|---------------------------|----------------|------------|
| G-16874 | 5 | DESC | 06/19/2007 | SUNRIVER WATER LLC | | 05/27/2010 |
| G-17225 | 9 | BAKE | 05/22/2009 | PINE VALLEY LAND LLC | | 05/27/2010 |
| G-17288 | 12 | HARN | 11/20/2009 | | MIKE STILLIS | 05/27/2010 |
| R-86357 | 13 | LAKE | 06/30/2005 | O MOUNTAINAIR LTD | AL MONACO | 05/27/2010 |
| R-87517 | 6 | GRAN | 08/21/2009 | | CRAIG ENSIGN | 05/27/2010 |
| R-87518 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 05/27/2010 |
| R-87519 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 05/27/2010 |
| R-87520 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 05/27/2010 |
| S-86930 | 2 | CLAC | 06/29/2007 | WILLAMETTE TREE WHOLESale | | 05/27/2010 |
| S-86931 | 2 | CLAC | 06/29/2007 | WILLAMETTE TREE WHOLESale | | 05/27/2010 |
| G-17379 | 14 | KLAM | 05/18/2010 | | DALE CARLAND | 05/28/2010 |
| G-17209 | 2 | WASH | 05/05/2009 | MALLEN FAMILY TRUST UTD | | 06/03/2010 |
| G-17214 | 5 | CROO | 05/11/2009 | | JOHN GIORGI | 06/03/2010 |
| S-87560 | 18 | LANE | 12/10/2009 | | DONALD MCCALL | 06/03/2010 |
| R-87521 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 06/04/2010 |

| Application | Basin | County | Priority | Company | Name | FO Date |
|-------------------------|-------|--------|------------|---------|----------------|------------|
| R-87522 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 06/04/2010 |
| R-87523 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 06/04/2010 |
| R-87524 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 06/04/2010 |
| R-87525 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 06/04/2010 |
| R-87526 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 06/04/2010 |
| R-87527 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 06/04/2010 |
| R-87528 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 06/04/2010 |
| R-87529 | 6 | GRAN | 08/21/2009 | | MICHAEL ENSIGN | 06/04/2010 |

Emergency Water Use Permit Applications

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

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

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

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

| Application | Basin | County | Date Filed | Name | Final Order Date |
|-------------------------|-------|---------|------------|--|------------------|
| G-17373 | 14 | Klamath | 05/05/2010 | PARKS, TIM PO BOX 812 MERRILL OR 97633 | 6/2/2010 |
| G-17378 | 14 | Klamath | 05/18/2010 | HAGERTY, CLAUDE HAGERTY FARMS 28605 TRANSFORMER RD MALIN OR 97632 | 6/2/2010 |
| G-17383 | 14 | Klamath | 05/19/2010 | TURNER, RANDALL L 18625 DRAZIL RD MALIN OR 97632 | 6/2/2010 |

| Application | Basin | County | Date Filed | Name | Final Order Date |
|-------------------------|-------|---------|------------|--|------------------|
| G-17380 | 14 | Klamath | 05/18/2010 | LYON, RICK 32857 TRANSFORMER RD MALIN OR 97632 | 6/3/2010 |
| G-17377 | 14 | Klamath | 05/11/2010 | HALVORSON, GLEN 17000 W LANGELL VALLEY RD BONANZA OR 97623 | 6/7/2010 |
| G-17388 | 14 | Klamath | 05/25/2010 | SPILLANE, MICKY D 8080 MATNEY WAY KLAMATH FALLS OR 97603 | 6/7/2010 |
| G-17384 | 14 | Klamath | 05/20/2010 | CARLETON, JIM PO BOX 362 MERRILL OR 97633 | 6/7/2010 |

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.

Licensees must maintain a record of how much water they are using (ORS 537.143). **The Department may approve a license after June 22, 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-1292

HARPER, ALICE

HARPER, RICHARD

PO BOX 8

IONE OR 97843

POD: 1 A WELL > EIGHTMILE CAN

SW ¼ SW ¼ Section 9 T 01.00 S R 22.00 E WM

Gilliam County

0.56 CFS For WIND FARM CONSTRUCTION

**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 July 08, 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-15496
Permit Number: G-15210
HILL LAND AND CATTLE LLC; HILL, DAVID
18827 HILL RD
KLAMATH FALLS OR 97603
Klamath County
A WELL > LOST RIVER
3.34 CFS
IRRIGATION OF 91.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 300.8 ACRES
October 1, 2012

Application Number: G-16450
Permit Number: G-16083
FRITZ AND ROSINA MUELLER LLC
6576 55TH AVE NE
SALEM OR 97305
Marion County
TWO WELLS > LITTLE PUDDING RIVER
0.82 CFS, FURTHER LIMITED TO 0.71 CFS FROM AUGUST 1 THROUGH AUGUST 31 AND 0.67
CFS FROM SEPTEMBER 1 THROUGH SEPTEMBER 30
IRRIGATION USE ON 65.3 ACRES
October 1, 2018

Application Number: S-46564
Permit Number: S-34803
MCMINNVILLE WATER AND LIGHT
ELIAS, PAUL
PO BOX 638
MCMINNVILLE OR 97128
Yamhill County
A RESERVOIR > NESTUCCA RIVER
210.0 AF STORED WATER ONLY
MUNICIPAL USES
October 1, 1998

Application Number: S-80394
Permit Number: S-52431
U.S. CORP OF ENGINEERS; PORTLAND DISTRICT
PO BOX 2946
PORTLAND OR 97208-2946
Sherman County
COLUMBIA RIVER > PACIFIC OCEAN
0.668 CFS
IRRIGATION OF 26.73 ACRES
October 1, 2011

**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 23, 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: | Deschutes |
| Application File Number: | G-14967 |
| Permit Number: | G-15703 |
| Applicant: | MAY, MARVIN |
| Address: | PO BOX 9039 SALEM OR 97305 |
| River Basin: | Deschutes Basin |
| Water Source: | A WELL > SQUAW CREEK |
| Authorized Use of Water: | IRRIGATION ON 20.0 Acres |
| Maximum Diversion/ Appropriation Rate: | 0.25 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, 2014.

County of Use: Clackamas
Application File Number: G-15245
Permit Number: G-15132
Applicant: HARMON, PAUL; RITA HARMON
Address: 31440 S DRYLAND RD
CANBY OR 97013
River Basin: Willamette Basin
Water Source: A WELL > PUDDING R
Authorized Use of Water: NURSERY USES ON 5.39 Acres
Maximum Diversion/
Appropriation Rate: 0.809 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, 2012.

County of Use: Crook
Application File Number: G-16212
Permit Number: G-15958
Applicant: BUTLER, GLENN KENT
REVOCABLE TRUST
Address: 11835 SW EBBERTS COURT
BEAVERTON OR 97008
River Basin: Deschutes Basin
Water Source: A WELL > CROOKED RIVER
Authorized Use of Water: IRRIGATION ON 133.0 Acres
SUPPLEMENTAL IRRIGATION ON 542.5 Acres
Maximum Diversion/
Appropriation Rate: 4.50 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: Gilliam
Application File Number: G-16231
Permit Number: G-15802
Applicant: JOHN DAY RIVER CLUB LLC
WARE, LINCOLN
Address: 9 SW MOUNT JEFFERSON TERRACE
LAKE OSWEGO OR 97035
River Basin: John Day Basin
Water Source: A WELL > ROCK CREEK
A RESERVOIR > ROCK CREEK
Authorized Use of Water: FILL AND MAINTENANCE OF A RESERVOIR
FOR FISH AND WILDLIFE
Maximum Diversion/
Appropriation Rate: 0.56 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, 2012.

County of Use: Coos
Application File Number: S-73135
Permit Number: S-52167
Applicant: RIDLE, SCOTT
Address: PO BOX 176
BANDON OR 97411
River Basin: South Coast Basin
Water Source: THREE RESERVOIRS > PACIFIC OCEAN
Authorized Use of Water: CRANBERRY OPERATIONS ON 25.0 ACRES
Maximum Diversion/
Appropriation Rate: 27.3 AF OF STORED WATER, BEING 9.10 AF FROM EACH
RESERVOIR

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2009 to October 1, 2014; and grant an extension of time to apply water to full beneficial use from October 1, 2009 to October 1, 2014.

County of Use: Coos
Application File Number: R-73856
Permit Number: R-12895
Applicant: FUGATE, JACK
FUGATE, BARBARA
FUGATE, SHERI
Address: PO BOX 426
BANDON OR 97411
River Basin: South Coast Basin
Water Source: UNNAMED STREAM > TWOMILE CREEK
TWOMILE CREEK > PACIFIC OCEAN
Authorized Use of Water: STORED WATER TO BE APPROPRIATED UNDER PERMIT
S-53694 FOR CRANBERRY OPERATIONS
Maximum Diversion/
Appropriation Rate: 48.0 AF

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

County of Use: Coos
Application File Number: S-73857
Permit Number: S-53694
Applicant: FUGATE, JACK
FUGATE, BARBARA
FUGATE, SHERI
Address: PO BOX 426
BANDON OR 97411
River Basin: South Coast Basin
Water Source: THREE UNNAMED STREAMS > TWOMILE CREEK
SEVEN RESERVOIRS > TWOMILE CREEK
TWOMILE CREEK > PACIFIC OCEAN
Authorized Use of Water: CRANBERRY OPERATIONS
Maximum Diversion/
Appropriation Rate: 2.0 CFS FROM THREE UNNAMED STREAMS AND TWOMILE CREEK AND
110.0 AF OF STORED WATER FROM SEVEN RESERVOIRS

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 29, 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: Crook

Instream Lease Number: IL 1077

Lessor:
OCHOCO IRRIGATION DISTRICT
1001 NW DEER ST
PRINEVILLE OR 97754

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

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM OCHOCO FEED CANAL (POD #1) TO LAKE BILLY CHINOOK

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|---------------|---------|-----------|-------|-----------|-----------|--------------|---------------|-------|
| 82248 CF RR* | S 49824 | 9/2/1986 | IM | 1.081 | 259.5 | OCHOCO CREEK | CROOKED RIVER | 86.5 |
| 82246 CF RR * | S 5426 | 8/10/1917 | IM,IR | 5.774 | 1385.7 | OCHOCO CREEK | CROOKED RIVER | 461.9 |

County: Jefferson

Instream Lease Number: IL 1078

Lessor:
THREE SISTERS IRRIGATION DISTRICT
PO BOX 2230
SISTERS OR 97759

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

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM THE POD AT RM 23.5 TO THE MOUTH OF WHYCHUS CREEK

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|------------|--------|----------|-----|-----------|-----------|-------------|-----------------|-------|
| 74135 CF * | | | IR | 5.33 | 621.82 | SQUAW CREEK | DESCHUTES RIVER | 266.5 |

County: Deschutes

Instream Lease Number: IL 1079

Lessor:
STEIN, EILEEN
CITY OF SISTERS
PO BOX 39
150 N FIR ST
SISTERS OR 97759

Lessee:
DESCHUTES RIVER CONSERVANCY MITIGATION BANK
700 NW HILL ST
BEND OR 97701

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM THE POD THROUGH POLE CREEK TO THE MOUTH OF WHYCHUS CREEK

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|------------|---------|------------|-----|-----------|-----------|-------------------------|--------------|-------|
| 65091 OR * | S 32854 | 11/17/1967 | MU | 1.45 | 1049.75 | POLE CREEK | SQUAW CREEK | |
| 65090 OR * | R 5054 | 8/10/1967 | MU | 0.11 | 6.3 | POLE CREEK | SQUAW CREEK | |
| 13509 OR * | S 12869 | 11/1/1937 | MU | 1.25 | 904.96 | 2 SPRINGS | SQUAW CREEK | |
| 13509 OR * | S 12869 | 11/1/1937 | MU | 1.25 | 904.96 | 7 SPRINGS | SQUAW CREEK | |
| 67706 CF * | | 12/31/1885 | MU | 0.2 | 144.8 | POLE CREEK | SQUAW CREEK | |
| 13501 OR * | S 12597 | 4/7/1937 | MU | 1.25 | 904.96 | POLE CREEK SWAMP SPRING | POLE CREEK | |
| 10028 OR * | S 8906 | 2/11/1929 | MU | 0.2 | 144.8 | SPRINGS | SQUAW CREEK | |

Reach: BRANDON DITCH (OFF WHYCHUS CREEK) TO THE MOUTH OF WHYCHUS CREEK

| Cert# | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source | Tributary to | Acres |
|-----------|--------|-----------|-----|-----------|-----------|-------------|-----------------|-------|
| 3227 OR * | S 3384 | 5/18/1917 | MU | 1.5 | 1085.95 | SQUAW CREEK | DESCHUTES 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 July 08, 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-10458 filed by Muddy Creek Irrigation Project, P.O. Box 225, Harrisburg, OR 97446, proposes a change in place of use under Certificate 84796. The right allows the use of 1.21 cubic feet per second (priority date February 9, 1939) from Muddy Creek in Sec. 35, T 14 S, R 4 W, W.M. and Sects. 30 and 32, T 15 S, R 4 W, W.M. for irrigation in Sec. 35. The applicant proposes to change the place of use to within Sects. 30 and 32, T 15 S, R 4 W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-10614 filed by JACKSON COUNTY ROADS AND PARKS; DANNY JORDAN, 200 ANTELOPE ROAD, WHITE CITY, OR 97503, proposes an additional point of diversion, a change in place of use, and a change in character of use under Certificate 84949. The affected portion of the right allows the use of 1.15 CUBIC FEET PER SECOND (priority date MARCH 31, 1910) from FOURMILE LAKE RESERVOIR in Sec. 9, T 36 S, R 5 E, W.M., from FISH LAKE RESERVOIR in Sec. 4, T 37 S, R 4 E, W.M., and from the NORTH FORK LITTLE BUTTE CREEK in Sec. 20, T 36 S, R 2 E, W.M., for MANUFACTURING USES in Sec. 9 and 16, T 37 S, R 1 W, W.M. and in Sec. 9, T 37 S, R 2 W, W.M. The applicant proposes an additional point of

diversion in Sec. 13, T 36 S, R 2 W, W.M., approximately 16 miles downstream from the closest POD associated with the portion of the right proposed for transfer, being the NORTH FORK LITTLE BUTTE CREEK, and to change the place of use to within the service area boundaries of the City of Eagle Point in T 35 S, R 1 W, W.M. and T 36 S, R 1 W, W.M.; and to change the character of use to 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.

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 July 08, 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: UMATILLA
NOTICE OF DISTRICT
PERMANENT TRANSFER: PT-TORRES-2010
CERTIFICATE: 86202, 86204
PRIORITY DATE: 1905, 1924
NAME: STANFIELD IRRIGATION DISTRICT
ADDRESS: PO BOX 416, STANFIELD, OR 97875
CHANGE: POU
SOURCE: UMATILLA RIVER/MCKAY RESERVOIR
ACRES: .50
AUTHORIZED POU: T4N R29E 32
PROPOSED POU: T4N R29E 32

COUNTY: UMATILLA
NOTICE OF DISTRICT
PERMANENT TRANSFER: PT-2010-COOPER
CERTIFICATE: 86204, 86203
PRIORITY DATE: 1924, 1965
NAME: STANFIELD IRRIGATION DISTRICT
ADDRESS: PO BOX 416, STANFIELD, OR 97875
CHANGE: POU
SOURCE: UMATILLA RIVER
ACRES: 45.58
AUTHORIZED POU: T4N R28E 13

PROPOSED POU: T4N R29E 26

COUNTY: UMATILLA
NOTICE OF DISTRICT
PERMANENT TRANSFER: PT-2010-DITCHEN
CERTIFICATE: 86203,86204,86205
PRIORITY DATE: 1965,1924,2007
NAME: STANFIELD IRRIGATION DISTRICT
ADDRESS: PO BOX 416, STANFIELD, OR 97875
CHANGE: POU
SOURCE: UMATILLA RIVER/MCKAY RESERVOIR
ACRES: 56.0
AUTHORIZED POU: T4N R29E 24,25
PROPOSED POU: T4N R29E 25

COUNTY: UMATILLA
NOTICE OF DISTRICT
PERMANENT TRANSFER: PTN-2010-AMSTAD-WINDBLOWN
CERTIFICATE: 86202,86203,86204
PRIORITY DATE: 1905,1924,1965
NAME: STANFIELD IRRIGATION DISTRICT
ADDRESS: PO BOX 416, STANFIELD, OR 97875
CHANGE: POU
SOURCE: UMATILLA RIVER/MCKAY RESERVOIR
ACRES: 9.77
AUTHORIZED POU: T4N R29E 7,19,28
PROPOSED POU: T4N R29E 19

OREGON WATER RESOURCES DEPARTMENT



**725 Summer Street NE Ste A
Salem OR 97301**

PUBLIC NOTICE OF WATER USE REQUESTS

June 8, 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.)