

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
June 15, 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.
- \* **Expedited Secondary Applications to Use Stored Water**  
Applications to use stored water exclusively, 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.
- \* **Emergency Water Use Permit Applications**  
Final Orders issued approving applications for temporary water use permits during a drought declared under ORS 536.740.
- \* **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.
- \* **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: Permit Amendments**  
Requests to amend permits.
- \* **District Permanent Transfers (ORS 540.580)**  
Petitions requesting transfers in place of use within a district's boundaries.
- \* **Water Management and Conservation Plans**  
Water management and conservation plans submitted by municipalities and agricultural water suppliers under provisions of OAR Chapter 690, Division 86.
- \* **Notice of Application to Reauthorize a Minor Hydroelectric Project**
- \* **Notice of Intent to Reauthorize A Minor Hydroelectric Project**
- \* **Establishment of Mitigation Credits in the Deschutes Basin pursuant to OAR Chapter 690, Division 521 (ORS 537.746)**

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

## **Permit Application Initial Reviews and Proposed Final Orders**

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

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

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

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

**The comment deadline for initial reviews appearing in this public notice is 5pm, Thursday, July 15, 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 30, 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="#">S-87626</a>	JACKSON, THOMAS PO BOX 266 ALLEGANY OR	97407					IR 3
17	EAST FORK MILLICOMA RIVER > MILLICOMA RIVER	24.00S 11.00W 25 SWSW	Coos	05/19/2010	0.025C	(est)	
17	EAST FORK MILLICOMA RIVER > MILLICOMA RIVER	24.00S 11.00W 25 SWSW	Coos	05/19/2010	0.025C	(est)	
Uses:	IR						
<a href="#">S-87564</a>	ELLIOTT, ALLAN CARLTON NURSERY CO. LLC PO BOX 398 DAYTON OR	97114					IR 2
2	PALMER CREEK > YAMHILL RIVER	5.00S 3.00W 8 NWN	Yamhill	12/28/2009	1.0C		
2	A RESERVOIR > PALMER CREEK	5.00S 3.00W 5 NWSW	Yamhill	12/28/2009	60.0A		
Uses:	NU						

## 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-17209</a>	2	WASH	05/05/2009	MALLEN FAMILY TRUST UTD		06/03/2010
<a href="#">G-17214</a>	5	CROO	05/11/2009		JOHN GIORGI	06/03/2010
<a href="#">S-87560</a>	18	LANE	12/10/2009		DONALD MCCALL	06/03/2010
<a href="#">R-87521</a>	6	GRAN	08/21/2009		MICHAEL ENSIGN	06/04/2010
<a href="#">R-87522</a>	6	GRAN	08/21/2009		MICHAEL ENSIGN	06/04/2010
<a href="#">R-87523</a>	6	GRAN	08/21/2009		MICHAEL ENSIGN	06/04/2010
<a href="#">R-87524</a>	6	GRAN	08/21/2009		MICHAEL ENSIGN	06/04/2010
<a href="#">R-87525</a>	6	GRAN	08/21/2009		MICHAEL ENSIGN	06/04/2010
<a href="#">R-87526</a>	6	GRAN	08/21/2009		MICHAEL ENSIGN	06/04/2010
<a href="#">R-87527</a>	6	GRAN	08/21/2009		MICHAEL ENSIGN	06/04/2010
<a href="#">R-87528</a>	6	GRAN	08/21/2009		MICHAEL ENSIGN	06/04/2010
<a href="#">R-87529</a>	6	GRAN	08/21/2009		MICHAEL ENSIGN	06/04/2010
<a href="#">G-16110</a>	2	CLAC	09/30/2003	MOANA NURSERY		06/10/2010
<a href="#">G-17065</a>	5	DESC	06/05/2008		KENNETH BURBANK	06/10/2010
<a href="#">G-17219</a>	14	KLAM	05/13/2009	HUNTER HILL PROPERTIES LLC		06/10/2010

Application	Basin	County	Priority	Company	Name	FO Date
<a href="#">G-17217</a>	5	CROO	05/13/2009	HERMRECK AT THE Y RANCH LLC		06/10/2010
<a href="#">G-17264</a>	12	HARN	09/22/2009		BRIAN THORNE	06/10/2010
<a href="#">G-17272</a>	5	DESC	10/09/2009		WILLIAM SAMPSON	06/10/2010
<a href="#">G-17290</a>	2	MARI	12/01/2009		BENJAMIN DAWSON	06/10/2010
<a href="#">R-87374</a>	2	LANE	01/12/2009		RICHARD SCHMIDT	06/10/2010
<a href="#">R-87576</a>	6	GRAN	02/03/2010		KELLY VOIGT	06/10/2010
<a href="#">R-87587</a>	2	POLK	03/03/2010		MITCHELL SWECKER	06/10/2010
<a href="#">S-87453</a>	16	DOUG	04/29/2009		JERRY TABOR	06/10/2010
<a href="#">S-87456</a>	2	YAMH	05/12/2009	REVANA VINEYARDS		06/10/2010
<a href="#">S-87582</a>	16	DOUG	02/17/2010		ROGER MELLEN	06/10/2010

## **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 August 14, 2010.**

R-87616  
MCCOY, DAVID  
PO BOX 1309  
NORTH PLAINS OR 97133

MCCOY, CHRISTINE  
PO BOX 1309  
NORTH PLAINS OR 97133  
POD: 1 SPRING > EAST FORK DAIRY CREEK  
NE 1/4 SE 1/4 Section 8 T 3.00N R 3.00W WM  
Washington County  
2.0 A for MULTIPLE PURPOSE

R-87627  
NASH, BLAIR VIRL  
14700 N BANK RD  
ROSEBURG OR 97470

NASH, SHERYL LYN  
14700 N BANK RD  
ROSEBURG OR 97470  
POD: 1 UNNAMED STREAM > NORTH UMPQUA RIVER  
SW 1/4 NW 1/4 Section 26T 26.00S R 4.00W WM  
Douglas County  
5.0 A for MULTIPLE PURPOSE



## **Expedited Secondary Applications Under HB 2178 (2005)**

For expedited secondary applications to use exclusively stored water filed under HB 2178, the public is invited to comment within 30 days of this notice, by **July 15, 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-87615  
TABOR, JERRY  
PO BOX 145  
UMPQUA OR 97486  
POD: 1 A RESERVIOR > COW CREEK  
SW 1/4 NE 1/4 Section 28T 31.00S R 4.00W WM  
Douglas County  
66.68 AFT for IRRIGATION (est.)  
  
POD: 2 UMPQUA RIVER > PACIFIC OCEAN  
SW 1/4 SW 1/4 Section 30T 25.00S R 7.00W MD  
Douglas County  
0.0 AFT for IRRIGATION (est.)

## 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-17382</a>	14	Klamath	05/19/2010	HOLLANDS DAIRY IN HOLLANDS DAIRY INC. 19000 S POE VALLEY RD KLAMATH FALLS OR 97603	6/9/2010
<a href="#">G-17389</a>	14	Klamath	05/28/2010	HUNTER, JEFFREY M 7552 E WETHERSFIELD RD SCOTTSDALE AZ 85260	6/9/2010
<a href="#">G-17390</a>	14	Klamath	06/01/2010	POPE, LYNN R. 21660 POPE RD MERRILL OR 97633	6/10/2010

Application	Basin	County	Date Filed	Name	Final Order Date
<a href="#">G-17393</a>	14	Klamath	06/02/2010	KANDRA, LOREN L. 23195 HWY 50 MERRILL OR 97633	6/10/2010
<a href="#">G-17391</a>	14	Klamath	06/01/2010	PATZKE, ANNIE J. 11775 CRYSTAL SPRINGS RD KLAMATH FALLS OR 97603	6/11/2010

## 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 29, 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-1293  
C P CONSTRUCTION LLC  
THAYER, TYLER  
225 DRIVER VALLEY RD, SUITE 100  
OAKLAND OR 97462  
POD: 1 SANDY R > COLUMBIA R  
NW 1/4 NE 1/4 Section 19 T 2.00S R 8.00E WM  
Clackamas County  
0.033 C (est)for ROAD CONSTRUCTION  
0.033 C (est)for BRIDGE CONSTRUCTION

LL-1294  
RUBY PIPELINE LLC  
GREDVIG, DAN  
RM 518 PO BOX 1087  
COLORADO SPRINGS CO 80944

SUSSMAN, ADAM  
1600 SW WESTERN BLVD SUITE 240  
CORVALLIS OR 97333  
POD: 1 A WELL > GOOSE AND SUMMER LAKES  
SE 1/4 SW 1/4 Section 4 T 40.00S R 22.00E WM  
Lake County  
2,230 GPM for GENERAL CONSTRUCTION AND HYDROSTATIC TESTING  
(NOT TO EXCEED 12.6 MG ANNUALLY)

**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 15, 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-16165  
Permit Number: G-15799  
SCHIEDLER, LARRY J.  
13258 PORTLAND RD NE  
GERVAIS OR 97026  
Marion County  
TWO WELLS > LITTLE PUDDING RIVER  
1.98 CFS  
NURSERY USE ON 82.8 ACRES  
October 1, 2020

Application Number: R-84508  
Permit Number: R-13608  
JAMES, G L.  
VANDECOEVERING, RON  
11607 BARON RD  
MOUNT ANGEL OR 97362  
Clackamas County  
RUNOFF > ROCK CREEK  
25.0 AF  
STORED WATER, IRRIGATION OF 75.0 ACRES, TO BE APPROPRIATED  
UNDER PERMIT # S-53927  
October 1, 2011

Application Number: S-84510  
Permit Number: S-53927  
VANDECOEVERING, RON  
11607 BARON RD  
MOUNT ANGEL OR 97362  
Clackamas County  
TWO RESERVOIRS > ROCK CREEK  
45.0 AF  
IRRIGATION OF 75.0 ACRES  
October 1, 2011

Application Number: R-85185  
Permit Number: R-13970  
VANDECOEVERING, RON  
JAMES, G L.  
11607 BARON RD  
MOUNT ANGEL OR 97362  
Clackamas County  
UNNAMED STREAM > ROCK CREEK  
65.0 AF  
STORED WATER, TO BE APPROPRIATED UNDER PERMIT # S-54069 FOR IRRIGATION  
October 1, 2011

Application Number: S-85186  
Permit Number: S-54069  
VANDECOEVERING, RON  
JAMES, G L.  
11607 BARON RD  
MOUNT ANGEL OR 97362  
Clackamas County  
TWO RESERVOIRS > ROCK CREEK  
87.0 AF EACH YEAR, BEING 62.0 AF FROM JAMES NORTH RESERVOIR AND 25.0 AF FROM  
JAMES SOUTH RESERVOIR  
IRRIGATION OF 86.9 ACRES FROM BOTH RESERVOIRS AND SUPPLEMENTAL IRRIGATION OF  
75.0 ACRES FROM JAMES NORTH RESERVOIR ONLY  
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 30, 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:	Linn
Application File Number:	S-40873
Permit Number:	S-41359
Applicant:	LACOMB IRRIGATION DISTRICT
Address:	34070 EAST LACOMB RD LACOMB OR 97354
River Basin:	Willamette Basin
Water Source:	CRABTREE CREEK > SOUTH SANTIAM RIVER
Authorized Use of Water:	IRRIGATION ON 655.5 Acres
Maximum Diversion/ Appropriation Rate:	6.0 CFS

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2008 to October 1, 2012; and grant an extension of time to apply water to full beneficial use from October 1, 2008 to October 1, 2012.

County of Use: Crook  
Application File Number: R-86269  
Permit Number: R-14205  
Applicant: TEMPLE, STEPHEN W.  
Address: 186 KINNEY RD  
AMSTON CT 06231  
River Basin: Deschutes Basin  
Water Source: PERRY CREEK > WILLIAMSON CREEK  
Authorized Use of Water: STORED WATER; MULTIPLE PURPOSE  
Maximum Diversion/  
Appropriation Rate: 2.0 ACF PER YEAR

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2009 to October 1, 2019.





County: Yamhill

Instream Lease Number: IL 700

Lessor:  
THORTON RANCH, LLC  
19976 NW MOORES VALLEY ROAD  
YAMHILL OR 97418

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM THE POD TO THE MOUTH OF HASKINS CREEK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
38612 OR *	S 29989	8/24/1964	IR	0.04	8.01	UNNAMED STREAM	HASKINS CREEK	10.7
38612 OR *	S 29989	8/24/1964	IR	0.09	18.03	UNNAMED STREAM	HASKINS CREEK	10.7
13451 OR *	S 11065	9/16/1933	IR	0.45	90.5	HASKINS CREEK	NORTH YAMHILL RIVER	36.2
13450 OR *	S 10816	1/31/1933	IR	0.71	142.5	HASKINS CREEK	NORTH YAMHILL RIVER	57.0

County: Coos

Instream Lease Number: IL 1080

Lessor:  
SUSANN J. STEINBERG TRUST  
98698 HIBARGER LANE  
COOS BAY OR 97420

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM THE POD TO THE MOUTH OF THE SOUTH FORK COOS RIVER

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
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60935 OR *	S 48485	5/3/1984	IR	0.06	12.5	SOUTH FORK COOS RIVER	COOS RIVER	5.0
60935 OR *	S 48485	5/3/1984	IR	0.06	12.5	UNNAMED STREAM	COOS RIVER	5.0
60935 OR *	S 48485	5/3/1984	IR	0.6	12.5	BESSE CREEK	SOUTH FORK COOS RIVER	5.0

County: Crook

Instream Lease Number: IL 1081

Lessor:  
 GRASS BUTTE LLC; JOHN SHORT (AGENT)  
 GRASS BUTTE LLC  
 1111 MAIN STREET, SUITE 700  
 VANCOUVER WA 98660

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

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM THE POD TO LAKE BILLY CHINOOK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
83857 RR *		12/31/1898	IR	0.006	2.0	CROOKED RIVER	DESCHUTES RIVER	0.5
83857 RR *		12/31/1904	IR	0.031	10.0	CROOKED RIVER	DESCHUTES RIVER	2.5

83857 RR *	12/31/1892	IR	0.167	54.0	CROOKED RIVER	DESCHUTES RIVER	64.0
83857 RR *	12/31/1892	IR	0.633	202.0	CROOKED RIVER	DESCHUTES RIVER	64.0
83732 CF *	12/31/1892	IR	0.138	44.0	CROOKED RIVER	DESCHUTES RIVER	11.0
83651 RR *	12/31/1903	IR	0.563	180.0	CROOKED RIVER	DESCHUTES RIVER	45.0

## 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 July 15, 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: CLACKAMAS  
Transfer: 11083  
Water Right: CERT 54233  
Priority Date: MARCH 17, 1981  
Name: DARLA KEMNITZ, ELTON D. KEMNITZ  
Address: 33711 S DRYLAND RD, MOLALLA OR 97038  
Change: PLACE OF USE, ADDITIONAL POINT OF APPROPRIATION  
Source: A WELL

County: LAKE  
Transfer: 11085  
Water Right: CERT 83058  
Priority Date: DECEMBER 12, 1972  
Name: RICHARD EMERY  
Address: PO BOX 115, SUMMER LAKE OR 97640  
Change: PLACE OF USE  
Source: WELLS

County: UMATILLA  
Transfer: 11086  
Water Right: CERT 80850, PERMIT S-54561  
Priority Date: 1973, 2007  
Name: L. VERNON COOK  
Address: 34801 OLD HWY 320, ECHO OR 97826  
Change: PLACE OF USE, POINT OF APPROPRIATION  
Source: WELLS, COLUMBIA RIVIER

County: WALLOWA  
Transfer: 11088  
Water Right: CERT 11642,11999,14526,41074,41177,41283  
41376,41637,54099,55031,57556,58694,64780  
65550,79892,80877  
Priority Date: 1935,1937,1941,1968,1969,1889,1975,1890  
1976,1973,1985,1937,1971  
Name: MINAM LAKE RESERVOIR ASSOCIATION  
Address: 1120 SE FLORENCE, ENTEPRISE, OR 97828  
Change: POD  
Source: WALLOWA RIVER

County: DESCHUTES  
Transfer: 11090  
Water Right: CERT 83571, 76714  
Priority Date: 1900,1907  
Name: CITY OF BEND  
Address: 62975 BOYD ACRES RD, BEND OR 97701  
Change: USE/POU  
Source: DESHCUTES RIVER/CRANE PRAIRIE RES

## **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 15, 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-9940 filed by J. Frank Schmidt and Son Co., P.O. Box 189, Boring, OR 97009, proposes a change in place of use under Certificate 83664.

The right allows the use of 0.03 cubic foot per second (priority date April 12, 1990) from a well in Sec. 4, T 2 S, R 4 E, W.M. (North Fork Deep Creek Basin) for nursery operations in Sec. 4. The applicant proposes to change the place of use within Sec. 4, T 2 S, R 4 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-10571 filed by Mary Lou King, 1700 Branta Road, Juneau, AK 99801 proposes a change in place of use and a change in character of use under Certificate 30441. The right allows the use of 0.01 cubic foot per second (priority date March 12, 1940) from Mill Creek in Sec. 28, T 32 S, R 3 E, W.M. for irrigation in Sec. 11, T 33 S, R 2 E, W.M. The applicant proposes to change the place of use within Sec. 11 and to change the character of use to domestic. 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 10988 filed by J. Frank Schmidt & Son Co., P.O. Box 189, Boring, OR 97009, proposes modify the place of use under Registration Application GR-1490 (Certificate of Registration GR-1440). The ground water registration claims the use of 20 gallons per minute (tentative priority date April, 1939 from a well in Sec. 4, T 2 S, R 4 E, W.M. (North Fork Deep Creek Basin) for irrigation in Sec. 4. The applicant proposes to change the place of use within Sec. 4, T 2 S, R 4 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

T-11024 filed by QUINCY WATER ASSOCIATION, PO BOX 975, CLATSKANIE, OR 97016 proposes an additional point of appropriation under Certificate 82858. The right allows the use of 0.134 CUBIC FOOT PER SECOND (priority date DECEMBER 7, 1977) from a well in Sec. 35, T 8 N, R 4 W, W.M. (North Coast Basin) for QUASI-MUNICIPAL USES in Secs. 3 and 10, T 7 N, R 4 W, W.M. and Secs. 21, 26, 27, 28, 29, 32, 34 and 35, T 8 N, R 4 W, W.M. The applicant proposes an additional point of appropriation approximately 477 feet northeasterly in Sec. 35, T 8 N, 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-11053 filed by Carolyn F. Stripe, 3200 Quartz Creek Road, Merlin OR 97532 proposes a change in point of diversion and a change in place of use under Certificate 47291. The right allows the use of 0.037 cubic foot per second (priority date 1886) from QUARTZ CREEK in Sec. 6, T 35 S, R 6 W, W.M. for irrigation and livestock in Sec. 5, T 35 S, R 6 W, W.M. The applicant proposes to move the point of diversion approximately 2800 feet downstream to Sec. 5, T 35 S, R 6 W, W.M. and to change the place of use within Section 5. 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-11054 filed by Jeannette M. Cappella, 3430 Quartz Creek Road, Merlin, OR 97532, proposes a change in point of diversion, a change in place of use, and a change in character of use under Certificate 47291. The right allows the use of 0.041 cubic foot per second (priority date 1886) from Quartz Creek in Sec. 6, T 35 S, R 6 W, W.M. for irrigation in Sec. 5, T 35 S, R 6 W, W.M. The applicant proposes to change the point of diversion downstream within Sec. 6, T 35 S, R 6 W, W.M., to change the place of use within Sec. 5, and to change the character of use for 0.75 acre to domestic use. 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: Permit Amendments

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU) pursuant to ORS 537.211 (4).

Notice is given that the following applications for Permit Amendments have been received by the Department. If the proposed change in point of diversion or appropriation is for a distance greater than 1/4 mile or includes intervening diversion points, notice also will be published in a local newspaper.

County: BAKER  
Transfer: 11084  
Water Right: CERT G 15732  
Priority Date: APRIL 3, 2003  
Name: JASON WILLIAMS, HAY INC.  
Address: 48857 HWY 30, NORTH POWDER OR 97867  
Change: ADDITIONAL POINT OF APPROPRIATION  
Source: A WELL

County: COOS  
Transfer: 11087  
Water Right: PERMIT G 13498  
Priority Date: DECEMBER 17, 1993  
Name: BANDON DUNES LIMITED PARTNERSHIP  
Address: 1630 SW MORRISON SUITE 210, PORTLAND OR 97205  
Change: PLACE OF USE  
Source: WELLS

County: MARION  
Transfer: 11089  
Water Right: PERMIT G-13631  
Priority Date: 1998  
Name: A & R SPADA FARMS, LLC  
Address: 7251 ST PAUL HIGHWAY NE, ST PAUL OR 97137  
Change: APOA  
Source: WELL

## 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 15, 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 #N10.007  
CERTIFICATE: 74146, 74147  
PRIORITY DATE: 1900, 1913  
NAME: TUMALO IRRIGATION DISTRICT  
ADDRESS: 64697 COOK AVE., BEND, OR 97701  
CHANGE: PLACE OF USE  
SOURCE: TUMALO CREEK  
ACRES: 3.54  
AUTHORIZED POU: T16S R12E 8, 19  
PROPOSED POU: T16S R12E 8, 19

COUNTY: DESCHUTES  
NOTICE OF DISTRICT  
PERMANENT TRANSFER: NOTICE #T-2010-009  
CERTIFICATE: 83571, 76714  
PRIORITY DATE: 1900, 1907, 1913  
NAME: CENTRAL OREGON IRRIGATION DISTRICT  
ADDRESS: 1055 S.W. LAKE COURT, REDMOND, OR 97756  
CHANGE: PLACE OF USE  
SOURCE: DESCHUTES RIVER, CRANE PRAIRIE RES  
ACRES: 0.7  
AUTHORIZED POU: T18S R13E 5  
PROPOSED POU: T18S R13E 5

COUNTY: DESCHUTES  
NOTICE OF DISTRICT  
PERMANENT TRANSFER: NOTICE #T-2010-014  
CERTIFICATE: 83571, 76714  
PRIORITY DATE: 1900, 1907, 1913  
NAME: CENTRAL OREGON IRRIGATION DISTRICT  
ADDRESS: 1055 S.W. LAKE COURT, REDMOND, OR 97756  
CHANGE: PLACE OF USE  
SOURCE: DESCHUTES RIVER, CRANE PRAIRIE RES  
ACRES: 0.4  
AUTHORIZED POU: T15S R13E 19  
PROPOSED POU: T14S R13E 28

## **Water Management and Conservation Plans**

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

### **Any person may review and comment on a draft plan on or before July 15, 2010.**

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

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

City of Wallowa (Municipal)

To review any of the above plans or to provide comments on the plans, contact Lisa Jaramillo at 503-986-0880 or [lisa.j.jaramillo@wrdd.state.or.us](mailto:lisa.j.jaramillo@wrdd.state.or.us).

## **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-137**

Project Applicant: Deschutes River Conservancy Mitigation Bank and City of Sisters

#### Mitigation Project

And Process: Instream Lease Application IL-1079 for Certificate 67706

Subbasin/Source: Whychus Creek Subbasin – Pole Crooked River, tributary to Whychus Creek

Amount of Water: Proposed Instream: up to 0.2 CFS  
Maximum Annual Volume  
144.54 Af

Current Use: Municipal Use

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

#### Preliminary Mitigation

Credit Determination: 0.0 credits or up to 57.8 Mitigation Credits  
May be available for use in the Whychus Creek and  
General Zones of Impact

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

**Mitigation Project #: MP-138**

Project Applicant: Deschutes River Conservancy Mitigation Bank and Grass butte, LLC

Mitigation Project And Process: Instream Lease Application IL-1081 for Certificates 83857, 83651, and 83732 (Also see Instream Lease Section of the public notice for application details)

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

Amount of Water: Proposed Instream: up to 1.537 CFS  
Maximum Seasonal Volume – 492.0 AF

Current Use: Irrigation of 123.0 acres

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

**Preliminary Mitigation**

Credit Determination: 221.4 Mitigation Credits  
May be available for use in the Crooked River and General Zones of Impact

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

**Mitigation Project #: MP-139**

Project Applicant: City of Bend

Mitigation Project And Process: Instream Transfer Application T-11090 for Certificate 83571 (Also see Transfer Section of the public notice for application details)

Subbasin/Source: Middle Deschutes Subbasin – Deschutes River, tributary to the Columbia River

Amount of Water: Proposed Instream: up to 0.589 CFS  
Maximum Seasonal Volume – 189.08 AF

Current Use: Irrigation of 34.69 acres

Credits Assigned to: City of Bend

**Preliminary Mitigation**

Credit Determination: 62.4 Mitigation Credits  
May be available within Middle Deschutes and General Zones of Impact

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

## **Notice of Application to Reauthorize a Minor Hydroelectric Project**

Consistent with Oregon Revised Statute 543A.035(4), 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 527  
Expiration date: December 31, 2011.  
Applicants: Bill and Julie Sturman  
Address: 8495 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.

The Oregon Water Resource Department (OWRD) requests that parties interested in providing comments on the application or in future notices about the application and participating in the reauthorization process, contact R. Craig Kohanek at 503-986-0823 or at his email address [Ron.c.kohanek@wrd.state.or.us](mailto:Ron.c.kohanek@wrd.state.or.us) . Copies of this application are available upon request.

## **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 408  
Expiration date: Right originally was to expire 12/31/2002 but has been annually extended by special order, primarily due to the owners' severe and persistent health problems.  
Applicants: Michael Clawson  
Address: 20836 Mustola Road; Clatskanie; OR 97016  
Amount of water: 0.35 cubic feet per second  
Source of water: Unnamed stream, tributary to Beaver Creek.  
Location of the  
Point of Diversion: NE 1/4 NE 1/4 of Section 14, Township 7 North, Range 4 West, W.M.,  
Place of Use: NE 1/4 NE 1/4 of Section 14, Township 7 North, Range 4 West, W.M.,  
Purpose: Own domestic use.  
Power developed: 6.7 Theoretical Horsepower.



**OREGON  
WATER  
RESOURCES  
DEPARTMENT**



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**

June 15, 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.)