

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
June 29, 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.
- \* **Water Right Cancellations**  
Abandonment of perfected and developed water rights and requests to cancel all or a portion of rights.
- \* **Applications for Extensions of Time to Perfect Water Right Permits**  
New applications received and proposed final orders regarding requests to extend time limits to fully develop water use projects and beneficially apply water.
- \* **Emergency Water Use Permit Applications**  
Final Orders issued approving applications for temporary water use permits during a drought declared under ORS 536.740.
- \* **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: 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.
- \* **Notice of Application to Reauthorize a Minor Hydroelectric Project**

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

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

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

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

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

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

**The comment deadline for initial reviews appearing in this public notice is 5pm, Thursday, July 29, 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, August 13, 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)

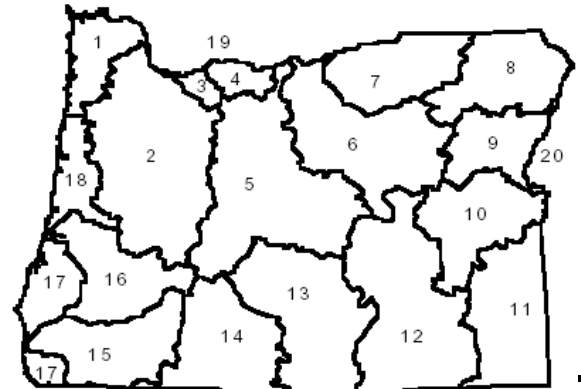
**BASINS:**

- |                 |                     |
|-----------------|---------------------|
| 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-16945</a>	LAACK, LEROY 5601 66TH NE SALEM OR	97306					IR 3
2	A WELL > NEIL CREEK	9.00S 3.00W 3 SWSE	Marion	10/18/2007	0.033C	(est)	
2	A WELL > NEIL CREEK	9.00S 3.00W 3 SWNE	Marion	10/18/2007	0.033C	(est)	
2	A WELL > NEIL CREEK	9.00S 3.00W 3 SWNE	Marion	10/18/2007	0.033C	(est)	
Uses:	GD						
<a href="#">R-87490</a>	4 DSD LLC 4 DSD LLC 175 PHILLIPS RD WOODSIDE CA	94062					PFO 2
6	INDIAN CREEK > SQUAW CREEK	11.00S 24.00E 13 SENW	Wheeler	06/30/2009	8.0A		
6	RUNOFF > INDIAN CREEK	11.00S 24.00E 13 SENW	Wheeler	06/30/2009	8.0A		
6	SPRINGS > INDIAN CREEK	11.00S 24.00E 13 SENW	Wheeler	06/30/2009	8.0A		
Uses:	ST						
<a href="#">R-87491</a>	4 DSD LLC 4 DSD LLC 175 PHILLIPS RD WOODSIDE CA	94062					PFO 2
6	TUBB CREEK > MOUNTAIN CREEK	11.00S 24.00E 22 SESE	Wheeler	06/30/2009	52.5A		
6	RUNOFF > TUBB CREEK	11.00S 24.00E 22 SESE	Wheeler	06/30/2009	52.5A		
Uses:	ST						
<a href="#">R-87489</a>	4 DSD LLC 4 DSD LLC 175 PHILLIPS RD WOODSIDE CA	94062					PFO 2
6	A SPRING > SIXSHOOTER CREEK	11.00S 24.00E 15 NWNE	Wheeler	06/30/2009	66.6666A		
6	RUNOFF > SIXSHOOTER CREEK	11.00S 24.00E 15 NWNE	Wheeler	06/30/2009	66.6666A		
6	A SPRING > SIXSHOOTER CREEK	11.00S 24.00E 15 NESW	Wheeler	06/30/2009	66.6666A		
Uses:	ST						
<a href="#">G-17316</a>	KELLER, ROY 2181 N OTT RD HERMISTON OR	97838					IR 2
7	A WELL > UMATILLA RIVER	4.00N 28.00E 1 NENE	Umatilla	03/02/2010	0.055C		
Uses:	IR						
<a href="#">G-17221</a>	KARAM, ISSA S. 15028 S REDLAND RD OREGON CITY OR	97045					PFO 2
2	A WELL > CLEAR CREEK	2.00S 3.00E 30 SWNW	Clackamas	05/14/2010	0.25C	(est)	
2	A WELL > CLEAR CREEK	2.00S 3.00E 30 NWSW	Clackamas	05/14/2010	0.25C	(est)	
2	A WELL > CLEAR CREEK	2.00S 3.00E 30 NWSW	Clackamas	05/14/2010	0.25C	(est)	
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-17058</a>	5	DESC	05/27/2008	CITY OF SISTERS	EILEEN STEIN	06/17/2010
<a href="#">G-17088</a>	2	MULT	07/30/2008	FIVE STAR STORAGE CO.		06/17/2010
<a href="#">G-17238</a>	7	UMAT	06/22/2009		CLYDE LONGFELLOW	06/17/2010
<a href="#">G-17243</a>	10	HARN	06/29/2009		BARBARA CANNADY	06/17/2010
<a href="#">G-17268</a>	2	BENT	10/05/2009	CITY OF MONROE		06/17/2010
<a href="#">G-17276</a>	2	LANE	10/21/2009	LANE FOREST PRODUCTS INC.		06/17/2010
<a href="#">R-87500</a>	2	WASH	07/30/2009		CHRISTIAN EMMONS	06/17/2010
<a href="#">S-87311</a>	7	UMAT	10/16/2008		CRAIG COLEMAN	06/17/2010
<a href="#">G-16976</a>	5	CROO	12/06/2007		DAVID CHRISTENSEN	06/18/2010
<a href="#">G-17215</a>	15	JACK	05/08/2009		JULIE MOORE	06/23/2010
<a href="#">S-84335</a>	5	WASC	02/07/2000	BLAINE LIMITED PARTNERSHIP		06/23/2010
<a href="#">R-87572</a>	16	DOUG	01/26/2010		NANCY TRUEBLOOD	06/24/2010
<a href="#">R-87578</a>	9	BAKE	02/03/2010		STARLA HAISLIP	06/24/2010
<a href="#">G-17130</a>	2	YAMH	10/28/2008	PERRYDALE DOMESTIC WATER ASSOCIATION	RAY HOBSON	06/25/2010
<a href="#">R-87185</a>	2	WASH	05/27/2008	LAKE TERRACE HOMEOWNERS ASSOCIATION	TOM HINDS	06/25/2010
<a href="#">R-87502</a>	8	UNIO	08/03/2009	JORDAN CREEK RANCH LLC	DAVID LOWE	06/25/2010

Application	Basin	County	Priority	Company	Name	FO Date
<a href="#">G-17023</a>	2	MARI	03/14/2008		STAN HERR	06/29/2010
<a href="#">G-17304</a>	2	MARI	02/02/2010		ROBERT SKORNIAK	06/29/2010
<a href="#">G-17364</a>	15	JACK	04/26/2010	GARDEN OF MEADEN	JAMES ROMANO	06/29/2010

## **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 28, 2010.**

R-87614  
WEYAND, JOHN  
52261 KELLY SPRINGS RD  
MAUPIN OR 97037

WEYAND, SYLVIA  
52261 KELLY SPRINGS RD  
MAUPIN OR 97037  
POD: 1 KELLY GULCH > WAPINITA CREEK  
NW 1/4 NW 1/4 Section 36T 5.00S R 11.00E WM  
Wasco County  
8.7 A for MULTIPLE PURPOSE

R-87622  
HILL, WESLEY S.  
WESLEY S HILL REVOCABLE LIVING TRUST  
823 ALDER CREEK CREEK DR  
MEDFORD OR 97504

HILL, JOHN C.  
JOHN C HILL REVOCABLE LIVING TRUST  
823 ALDER CREEK CREEK DR  
MEDFORD OR 97504

OCONNER, DANIEL  
823 ALDER CREEK CREEK DR  
MEDFORD OR 97504  
POD: 1 A SPRING > APPLGATE RIVER  
NE 1/4 NW 1/4 Section 7 T 38.00S R 4.00W WM  
Jackson County  
30.0 A for MULTIPLE PURPOSE



## Water Right Cancellations

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

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

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

COUNTY:	DESCHUTES
WATER RIGHT CERTIFICATES:	83571 AND 76714, IN THE NAME OF CENTRAL OREGON IRRIGATION DISTRICT
LANDOWNER:	WALTER R. MCCOIN
ADDRESS:	1900 NW 22ND ST., REDMOND, OR 97756
USE:	IRRIGATION & SUPPLEMENTAL IRRIGATION
QUANTITY:	0.008 cfs
SOURCE:	DESCHUTES RIVER & CRANE PRAIRIE RESERVOIR >
COLUMBIA RIVER	
PRIORITY:	OCTOBER 31, 1900 & FEBRUARY 28, 1012
ACREAGE:	0.25
LOCATION:	T 15 S, R 13 E, SEC. 5, SE SE, TAX LOT 300

## 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-17398</a>	14	Klamath	06/04/2010	KNOLL, BARRON KNOLL RANCH LLC 5429 REEDER RD KLAMATH FALLS OR	6/23/2010 97603

**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 29, 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-13293  
Permit Number: G-11911  
EISELE, HUGH  
Clackamas County  
TWO WELLS > SANDY RIVER  
0.803 CFS  
IRRIGATION & AGRICULTURAL USE ON 61.2 ACRES  
October 1, 2020

## 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 July 13, 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-1296  
SLAYDEN CONSTRUCTION GROUP  
WOLF, JOE  
PO BOX 247  
STAYTON OR 97383  
POD: 1 CANOE CANAL > WILLAMETTE R  
SW 1/4 NE 1/4 Section 33 T 17.00S R 3.00W WM  
Lane County  
0.056 C for ROAD CONSTRUCTION

LL-1298  
CHEESEMAN, JAY  
CHEESEMAN, DEBBY  
4700 FOOTHILL BLVD  
GRANTS PASS OR 97526  
POD: 1 LOST CREEK RES > ROGUE R  
SE 1/4 SE 1/4 Section 19 T 36.00S R 4.00W WM  
Jackson County  
0.01 C for IRRIGATION

LL-1299  
HAGUEWOOD, KEVEN  
64396 MCNAB LN  
IONE OR 97843  
POD: 1 A WELL > EIGHTMILE CAN  
NE 1/4 SE 1/4 Section 4 T 1.00N R 22.00E WM  
Gilliam County  
0.39 C (est)for INDUSTRIAL/MANUFACTURING USES  
0.39 C (est)for WIND FARM CONSTRUCTION

## 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 July 20, 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: Deschutes

Instream Lease Number: IL 847

Lessor:  
ARNOLD IRRIGATION DISTRICT  
BEND OR 97708

Lessor:  
MILLER, MAJORIE  
63095 CASEY PLACE  
BEND OR 97701

Lessee:  
DESCHUTES RIVER CONSERVANCY  
PO BOX 1560  
BEND OR 97709

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM THE ARNOLD CANAL POD TO LAKE BILLY CHINOOK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
74197	CF RR *	2/1/1905	IR	0.009	3.81	DESCHUTES RIVER	COLUMBIA RIVER	4.5
74197	CF RR *	4/25/1905	IR	0.045	15.47	DESCHUTES RIVER	COLUMBIA RIVER	4.5

County: Deschutes

Instream Lease Number: IL 924

Lessor:  
ARNOLD IRRIGATION DISTRICT  
P.O. BOX 9220  
BEND OR 97708

Lessor:  
MCCOOL, DANIEL; ELIZABETH MCCOOL  
60359 ARNOLD MARKET RD  
BEND OR 97702

Lessee:  
DESCHUTES WATER EXCHANGE MITIGATION BANK  
PO BOX 1560  
BEND OR 97709

Contact: LAURA WILKE at (503) 986-0884

Reach: ARNOLD CANAL POD TO LAKE BILLY CHINOOK (RIVER MILE 120)

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
74197	CF RR *	2/1/1905	IR	0.011	3.82	DESCHUTES RIVER	COLUMBIA RIVER	1.11
74197	CF RR *	4/25/1905	IR	0.011	3.82	DESCHUTES RIVER	COLUMBIA RIVER	1.11

County: Deschutes

Instream Lease Number: IL 926

Lessor:  
ARNOLD IRRIGATION DISTRICT  
P.O. BOX 7923  
BEND OR 97708

Lessor:  
BEND METRO PARKS AND RECREATION  
200 NW PACIFIC PARK LANE  
BEND OR 97701

Lessee:  
DESCHUTES RIVER CONSERVANCY  
PO BOX 1560  
BEND OR 97709

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
74197	CF RR *	2/1/1905	IR	0.004	1.81	DESCHUTES RIVER	COLUMBIA RIVER	2.14
74197	CF RR *	4/25/1905	IR	0.021	7.36	DESCHUTES RIVER	COLUMBIA RIVER	2.14

County: Deschutes

Instream Lease Number: IL 984

Lessor:  
ARNOLD IRRIGATION DISTRICT  
19604 BUCK CANYON RD  
BEND OR 97702

Lessor:  
HUKARI, DALE  
PO BOX 1998  
TUBAC AZ 85646

Lessee:  
DESCHUTES RIVER CONSERVANCY  
PO BOX 1560  
BEND OR 97709

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM THE ARNOLD CANAL POD #1 TO MOUTH OF DESCHUTES RIVER

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
74197	CF RR *	2/1/1905	IR	0.061	25.92	DESCHUTES RIVER	COLUMBIA RIVER	30.6
74197	CF RR *	4/25/1905	IR	0.305	105.23	DESCHUTES RIVER	COLUMBIA RIVER	30.6



County: Umatilla

Instream Lease Number: IL 1082

Lessor:  
THE SHUMWAY CONSERVANCY, LLC; C/O LINDSAY WINSOR  
THE SHUMWAY CONSERVANCY, LLC  
224 SE 20TH PLACE  
MILTON-FREEWATER OR 97862

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

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM THE POD ON COUSE CREEK @ APPROXIMATELY RM 2.2, TO THE CONFLUENCE WITH THE WALLA WALLA RIVER AT  
RM 48.5 AND IN THE WALLA WALLA RIVER TO THE OR/WA STATE LINE

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
84974 CF *		12/31/1895	IR	0.76	206.52	COUSE CREEK	WALLA WALLA RIVER	20.3

County: Deschutes

Instream Lease Number: IL 1083

Lessor:  
SCHIMKE, TIMM  
DESCHUTES COUNTY DEPARTMENT OF SOLID WASTE  
61050 SE 27TH ST  
BEND OR 97702

Lessor:  
ARNOLD IRRIGATION DISTRICT  
P.O. BOX 9220  
BEND OR 97708

Lessee:  
DESCHUTES RIVER CONSERVANCY  
PO BOX 1560  
BEND OR 97709

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM ARNOLD CANAL POD #1 TO LAKE BILLY CHINOOK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
74197	CF RR *	2/1/1905	IR	0.04	16.94	DESCHUTES RIVER	COLUMBIA RIVER	20.0
74197	CF RR *	4/25/1905	IR	0.2	68.77	DESCHUTES RIVER	COLUMBIA RIVER	20.0

## 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 29, 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: WASCO  
Transfer: 11091  
Water Right: CERT 84038  
Priority Date: MAY 10, 1988, JUNE 13, 1989  
Name: ROSEDALE FRUIT FARM, LLC  
Address: 1250 STATE ROAD, MOSIER OR 97040  
Change: APOA  
Source: A WELL

County: MALHEUR  
Transfer: 11093  
Water Right: CERT 37141, 67700, 75596  
Priority Date: 1966, 1988, 1925  
Name: CITY OF NYSSA  
Address: 301 MAIN ST, NYSSA OR 97913  
Change: POD, APOD, POU, USE  
Source: SNAKE RIVER, WASTE WATER POND

County: HARNEY  
Transfer: 11095  
Water Right: SILVIES RIVER DECREE  
Priority Date: 1885  
Name: PEILA RANCHES INC  
Address: PO BOX 697  
Change: HISTORIC POD  
Source: SILVIES RIVER

County: UMATILLA  
Transfer: 11096  
Water Right: CERT 26533  
Priority Date: OCTOBER 23, 1950  
Name: ANDREW SANDLER  
Address: 1812 10TH AVENUE E, SEATTLE WA 98102  
Change: ADDITIONAL 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 July 29, 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-8333 filed by A. Joel Neuschwander, 6097 S. Whiskey Hill Road, Hubbard, OR 97032, proposes a change in point of appropriation under Certificate 68565. The right allows the use of 0.56 cubic foot per second (priority date September 23, 1971) from a well in Sec. 32, T 4 S, R 1 E, W.M. (Bear Creek Basin) for irrigation in Sec. 32. The applicant proposes to move the point of appropriation approximately 2016 feet north within Sec. 32, T 4 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-10893 filed by Brad Hucka, PO Box 262, Dexter, OR 97431, proposes a change in point of diversion under Certificate 43377. The right allows the use of 0.022 cubic foot per second (priority date July 10, 1969) from Lost Creek in Sec. 28, T 19 S, R 1 W, W.M. for irrigation in Sec. 28. The applicant proposes to move the point of diversion approximately 965 feet downstream within Sec. 28, T 19 S, R 1 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-11063 filed by Jack and Dorothy Steinhofel, 10290 Butte Falls Hwy, Eagle Point, OR 97524, proposes a change in place of use and a change in character of use under Certificate 86073. The right allows the use of 0.007 cubic foot per second (priority date April 21, 1915) from South Fork Big Butte Creek in Sec. 10, T 35 S, R 2 E, W.M. for irrigation in Sec. 35, T 34 S, R 1 E, W.M. The applicant proposes to change the place of use within Sec. 35 and to change the character of use to Multi-Purpose. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

## **Transfer Applications: Temporary Transfer**

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation. The Department shall approve the request provided it does not cause injury to existing water rights or expand the water use. If after the change is approved, it is found to cause injury, the approved change may be revoked. The use of water reverts to the authorized place of use upon expiration of the temporary change.

Notice is given that the following applications for Temporary Transfers have been received by the Department:

County:	UMATILLA
Transfer:	11092
Water Right:	CERT 76273, 84116, 55613
Priority Date:	NOV. 30, 1973, SEPT. 16, 1954, FEB. 2, 1972
Name:	LEON REESE
Address:	1017 NW 12TH, PENDLETON OR 97801
Change:	PLACE OF USE
Source:	A WELL

## **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 529  
Expiration date: December 31, 2011.  
Applicants: Robert Danko  
Address: 8455 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 residence  
Power developed: 2.5 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.



**OREGON  
WATER  
RESOURCES  
DEPARTMENT**



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**

June 29, 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.)