

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
July 13, 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.
- \* **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.
- \* **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.
- \* **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.
- \* **Application for Instream Lease**  
Application by water right holder to lease existing water rights to instream use.

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, August 12, 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 27, 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)

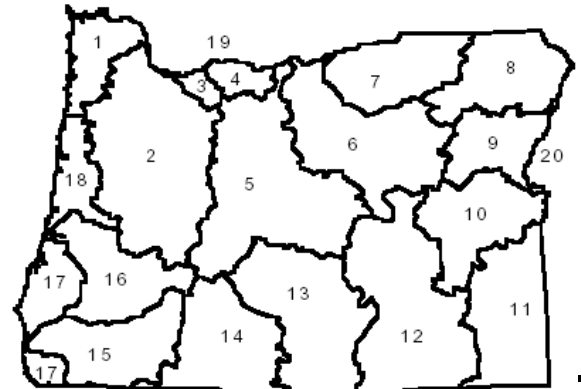
**BASINS:**

- |                 |                     |
|-----------------|---------------------|
| 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-17093</a> | TAYLOR NORTHWEST LLC TAYLOR NORTHWEST LLC PO BOX 6714 BEND OR | 97708                 |           |            |          |       | PFO 2  |
| 5                       | A WELL > TUMALO CREEK   | 17.00S 11.00E 22 SWNE | Deschutes | 08/14/2008 | 0.12C    | (est) |        |
| 5                       | A WELL > TUMALO CREEK   | 17.00S 11.00E 22 SWSE | Deschutes | 08/14/2008 | 0.12C    | (est) |        |
| Uses:                   | IR  |                       |           |            |          |       |        |
| <a href="#">R-87618</a> | FESSLER, GLENN 10965 SE GRIZZLY RD MADRAS OR                  | 97741                 |           |            |          |       | IR 2   |
| 5                       | WILLOW CREEK > DESCHUTES RIVER                                | 12.00S 15.00E 27 NESW | Jefferson | 06/15/2010 | 50.0A    |       |        |
| 5                       | UNNAMED STREAM > NEWBILL CREEK                                | 12.00S 15.00E 33 NESW | Jefferson | 06/15/2010 | 50.0A    |       |        |
| 5                       | A SPRING > NEWBILL CREEK                                      | 12.00S 15.00E 33 NESE | Jefferson | 06/15/2010 | 50.0A    |       |        |
| 5                       | A SPRING > NEWBILL CREEK                                      | 12.00S 15.00E 33 NENE | Jefferson | 06/15/2010 | 50.0A    |       |        |
| Uses:                   | ST  |                       |           |            |          |       |        |
| <a href="#">S-87619</a> | FESSLER, GLENN 10965 SE GRIZZLY RD MADRAS OR                  | 97741                 |           |            |          |       | IR 2   |
| 5                       | A RESERVOIR > WILLOW CREEK                                    |                       | Jefferson | 06/15/2010 | 100.0A   |       |        |
| Uses:                   | IS  |                       |           |            |          |       |        |
| <a href="#">G-17325</a> | EMERY, WILL CYRK BUILDING LLC PO BOX 12805 PORTLAND OR        | 97212                 |           |            |          |       | IR 2   |
| 2                       | A WELL > WILLAMETTE RIVER                                     | 1.00S 1.00E 11 NENW   | Multnomah | 03/22/2010 | 0.22C    |       |        |
| Uses:                   | DO GT   |                       |           |            |          |       |        |
| <a href="#">S-87631</a> | CHEESEMAN, DEBBY 4700 FOOTHILL BLVD GRANTS PASS OR            | 97526                 |           |            |          |       | IR 2   |
| 15                      | ROGUE RIVER > PACIFIC OCEAN                                   | 36.00S 4.00W 19 SESE  | Jackson   | 06/24/2010 | 0.0A     |       |        |
| 15                      | LOST CREEK RESERVOIR > ROGUE RIVER                            | 33.00S 1.00E 26 NWSE  | Jackson   | 06/24/2010 | 3.0A     |       |        |
| Uses:                   | IR  |                       |           |            |          |       |        |
| <a href="#">G-17296</a> | OWEN, JOHN PO BOX E PILOT ROCK OR                             | 97868-0080            |           |            |          |       | IR 2   |
| 7                       | A WELL > COOMBS CANYON  | 1.00S 31.00E 7 NWNE   | Umatilla  | 12/31/2009 | 0.377C   |       |        |
| Uses:                   | IR  |                       |           |            |          |       |        |

| App#                    | Basin Source                                    | Township/Range         | County       | Priority   | Quantity | Stage | Status |
|-------------------------|---|------------------------|--------------|------------|----------|-------|--------|
| <a href="#">G-17306</a> | K AND P ENTERPRISES LLC K AND P ENTERPRISES LLC | 67719 HWY 78           | BURNS OR     | 97720      |          |       | PFO 2  |
|                         | 12 A WELL > MALHEUR LAKE                        | 23.00S 32.00E 34 SWSW  | Harney       | 02/04/2010 | 1.6433C  | (est) |        |
|                         | 12 A WELL > MALHEUR LAKE                        | 24.00S 32.00E 4 NENE   | Harney       | 02/04/2010 | 1.6433C  | (est) |        |
|                         | 12 A WELL > MALHEUR LAKE                        | 24.00S 32.00E 4 NWNE   | Harney       | 02/04/2010 | 1.6433C  | (est) |        |
| Uses:                   | IR  |                        |              |            |          |       |        |
| <a href="#">G-17305</a> | WATSON, DOUGLAS                                 | 1091 NE CREEKSEDGE DR  | HILLSBORO OR | 97124      |          |       | PFO 2  |
|                         | 2 A WELL > WEST FORK DAIRY CREEK                | 2.00N 4.00W 13 NWSW    | Washington   | 02/04/2010 | 0.02C    |       |        |
| Uses:                   | IR  |                        |              |            |          |       |        |
| <a href="#">S-86391</a> | KLUPENGER, RAY K N G INC.                       | 24885 NE BUTTEVILLE RD | AURORA OR    | 97002      |          |       | PFO 3  |
|                         | 2 UNNAMED STREAM > WILLAMETTE RIVER             | 3.00S 1.00W 34 NWNE    | Marion       | 08/03/2005 | 5.0A     |       |        |
|                         | 2 A RESERVOIR > WILLAMETTE RIVER                | 3.00S 1.00W 34 NWNE    | Marion       | 08/03/2005 | 5.0A     |       |        |
| 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-17058</a> | 5     | DESC   | 05/27/2008 | CITY OF SISTERS | EILEEN STEIN    | 07/08/2010 |
| <a href="#">G-17247</a> | 2     | WASH   | 07/08/2009 |                 | SEE SANG TZIO   | 07/08/2010 |
| <a href="#">R-87589</a> | 15    | JACK   | 03/10/2010 |                 | DEBORAH MILLARD | 07/08/2010 |

**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 August 27, 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: Klamath  
Application File Number: G-15906  
Permit Number: G-15555  
Applicant: LAKEWOODS DEVELOPMENT LLC  
Address: PO BOX 2648  
WHITE CITY OR 97503  
River Basin: Klamath Basin  
Water Source: A WELL > LAKE OF THE WOODS BASIN  
Authorized Use of Water: DOMESTIC USE FOR 115 HOMES  
Maximum Diversion/  
Appropriation Rate: 0.12 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, 2018.

County of Use: Malheur  
Application File Number: G-16151  
Permit Number: G-15731  
Applicant: READY, MICHAEL D.; JACKIE L. READY  
Address: 2070 5TH AVE W  
VALE OR 97919  
River Basin: Malheur Basin  
Water Source: A WELL > WILLOW CREEK  
Authorized Use of Water: IRRIGATION ON 10.0 Acres  
Maximum Diversion/  
Appropriation Rate: 0.125 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, 2019.

## Applications for Limited Licenses

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

Licenseses must maintain a record of how much water they are using (ORS 537.143). **The Department may approve a license after July 27, 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-1286  
HAMILTON CONSTRUCTION CO  
HAMPTON, JOE  
998 N SCHMEER RD  
PORTLAND OR 97217  
POD: 1 WILLAMETTE R > COLUMBIA R  
NE 1/4 NW 1/4 Section 34 T 1.00N R 1.00E WM  
Multnomah County  
0.044 C for ROAD CONSTRUCTION

LL-1302  
RIVER BEND WEST WATER ASSOC  
ROWLAND, DAVID  
6095 MELQUA RD  
ROSEBURG OR 97471  
POD: 1 UMPQUA R > PACIFIC OCEAN  
SW 1/4 SW 1/4 Section 18 T 26.00S R 6.00W WM  
Douglas County  
0.03 C for DOMESTIC

LL-1303  
TAPANI UNDERGROUND INC  
MAHONEY, CHAD  
PO BOX 1900  
BATTLE GROUND WA 98604  
POD: 1 WHITE R > DESCHUTES R  
SW 1/4 SE 1/4 Section 21 T 3.00S R 9.00E WM  
Hood River County  
0.96 C for ROAD CONSTRUCTION



## 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 August 12, 2010. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

County: CROOK  
Transfer: 11102  
Water Right: CERT 75486, 75488  
Priority Date: SEPTEMBER 11, 1934, MARCH 28, 1935  
Name: CITY OF PRINEVILLE  
Address: 387 NE 3RD ST, PRINEVILLE OR 97754  
Change: INSTREAM TRANSFER  
Source: CROOKED RIVER

County: CROOK  
Transfer: 11103  
Water Right: CERT 83850  
Priority Date: 1914  
Name: CITY OF PRINEVILLE  
Address: 387 NE THIRD ST, PRINEVILLE, OR 97754  
Change: USE/POU  
Source: CROOKED RIVER AND PRINEVILLE RESERVOIR

County: COOS  
Transfer: 11104  
Water Right: CERT 64844  
Priority Date: JANUARY 6, 1986  
Name: FRED P. BUSSMAN  
Address: 86882 LOWER FOURMILE LANE, BANDON OR 97411  
Change: PLACE OF USE

## 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 August 05, 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 1089

Lessor:  
COTD IV, LLC;  
ATTN: A.J. KITT  
202 OAK AVE. #550  
HOOD RIVER OR 97031

Lessor:  
SWALLEY IRRIGATION DISTRICT  
64672 COOK AVE SUITE 1  
BEND OR 97701

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

Contact: LAURA WILKE at (503) 986-0884

Reach: FROM THE SWALLEY MAIN CANAL POD#3 TO THE MOUTH OF THE DESCHUTES AT RM 0

| Cert#         | Permit | Priority | Use | Rate(cfs) | Duty(acf) | Source      | Tributary to | Acres |
|---------------|--------|----------|-----|-----------|-----------|-------------|--------------|-------|
| 74145 CF RR * |        | 9/1/1899 | IR  | 0.033     | 10.69     | DESCHUTES R | COLUMBIA R   | 1.96  |

# **OREGON WATER RESOURCES DEPARTMENT**



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

**PUBLIC NOTICE OF WATER USE REQUESTS**  
July 13, 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 propose final order and final order are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)