

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
July 27, 2010

*This notice is also available on our web page at the following address:
http://www1.wrd.state.or.us/cgi-bin/notices.pl?water_rights*

This publication lists agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests in this week's Public Notice include:

- * **Permit Application Initial Reviews, Proposed Final Orders, and Final Orders**
Applications for permits to use, store, divert or pump surface water or groundwater. Includes applications by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
- * **Applications for 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.
- * **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.
- * **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.

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 26, 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, September 10, 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)

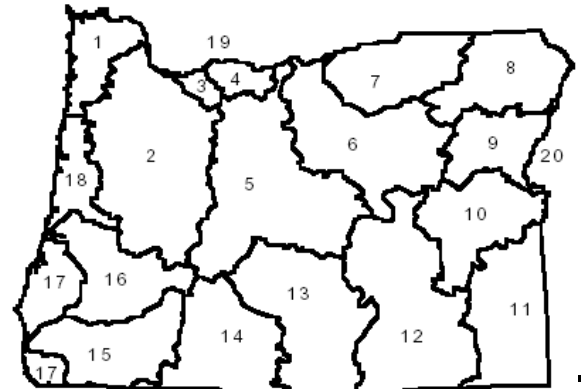
BASINS:

- | | |
|-----------------|---------------------|
| 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
S-87621	GREENBERRY IRRIGATION DISTRICT	GREENBERRY IRRIGATION DISTRICT	30742	VENELL PLACE	CORVALLIS	O	IR 2
2	WILAMETTE RIVER > COLUMBIA RIVER	13.00S 5.00W 25 SWSW	Benton	06/16/2010	11.0C	(est)	
2	WILAMETTE RIVER > COLUMBIA RIVER	13.00S 4.00W 19 NWSW	Benton	06/16/2010	11.0C	(est)	
Uses:	AG						
G-17399	PURDY, TED FOOD FOR LANE COUNTY	770 BAILEY HILL RD	EUGENE OR	97402			IR 2
2	WELL > MCKENZIE RIVER	17.00S 3.00W 22 SWNW	Lane	06/14/2010	0.093C		
Uses:	IR						
S-86574	HALL, ROY PO BOX 299	JORDAN VALLEY OR	97910				PFO 3
11	A RESERVOIR > HOOKER CREEK	29.00S 46.00E 33 NWNE	Malheur	04/07/2006	77.0A		
Uses:	IR						
G-16574	LEASON, JOHN PINE RIDGE RANCH	69401 GOODRICH RD	SISTERS OR	97759			PFO 3
5	A WELL > SQUAW CREEK	14.00S 11.00E 31 NESW	Deschutes	11/30/2005	1.949C	(est)	
5	A WELL > SQUAW CREEK	14.00S 11.00E 31 SESE	Deschutes	11/30/2005	1.949C	(est)	
Uses:	QM						
G-17298	HOLDAWAY, JONATHAN	3660 SWAN LAKE RD	KLAMATH FALLS OR	97603			PFO 2
14	A WELL > SWAN LAKE	38.00S 10.00E 16 SESE	Klamath	01/15/2010	0.08C		
Uses:	IR						
G-17311	HINCKLE, KENNETH	8002 NE HWY 99 PMB 130	VANCOUVER WA	98665			IR 3
13	A WELL > ANTELOPE CREEK	39.00S 19.00E 32 SESW	Lake	02/11/2010	1.337C		
Uses:	IR						

Permit Application Final Orders

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

Application	Basin	County	Priority	Company	Name	FO Date
R-81948	1	CLAT	02/06/1997		ROBERT B WHANNELL	07/16/2010
R-87587	2	POLK	03/03/2010		MITCHELL SWECKER	07/16/2010
S-81949	1	CLAT	02/06/1997		ROBERT WHANNELL	07/16/2010
S-87480	3	CLAC	06/26/2009		ERNIE RUSSELL	07/16/2010
G-16884	2	MARI	06/29/2007		JAMES COULTER	07/19/2010
S-87452	2	MARI	05/05/2009	CITY OF DETROIT		07/19/2010
G-16915	5	CROO	08/15/2007	GUTIERREZ CATTLE CO.		07/27/2010

**Applications for Extensions of Time
to Perfect Water Right Permits filed pursuant to OAR 690-315**

Consistent with OAR 690-315-0050, the Department will accept public comment on the following extension applications until August 26, 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-15722
Permit Number: G-15990
JACKSONS INC
9721 HOWELL PRAIRIE RD
SALEM OR 97305
Marion County
TWO WELLS > LITTLE PUDDING RIVER
2.2 CFS, BEING 1.1 CFS FROM EACH WELL
IRRIGATION OF 122.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 225.7 ACRES
October 1, 2015

**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 September 10, 2010. There is no fee for submission of comments. The protest filing fee is \$300 for the applicant and \$600 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO.

1.) OAR-690-315

County of Use:	Coos
Application File Number:	G-14238
Permit Number:	G-12806
Applicant:	BANDON DUNES LIMITED PARTNERSHIP
Address:	2130 LINCOLN PARK N CHICAGO IL 60614 AND ... STASTNY, DONALD J. 1630 SW MORRISON SUITE 210 PORTLAND OR 97205
River Basin:	South Coast Basin
Water Source:	TWO SUMPS > COQUILLE R
Authorized Use of Water:	CRANBERRY ON 40.0 Acres
Maximum Diversion/ Appropriation Rate:	0.9 CFS, BEING 0.4 CFS FROM SUMP # 1 AND 0.5 CFS FROM SUMP # 2

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2006 to October 1, 2014; and grant an extension of time to apply water to full beneficial use from October 1, 2007 to October 1, 2014.

County of Use: Clackamas
Application File Number: G-16239
Permit Number: G-15842
Applicant: PATTERSON NURSERY SALES INC.
Address: PO BOX 99
BORING OR 97009
River Basin: Willamette Basin
Water Source: A WELL > EAGLE CREEK
Authorized Use of Water: NURSERY USES ON 170.2 Acres
Maximum Diversion/
Appropriation Rate: 4.456 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.

County of Use: Harney
Application File Number: G-16381
Permit Number: G-15986
Applicant: BRADACH, CHAD R.
Address: PO BOX 353
BURNS OR 97720
River Basin: Malheur Lake Basin
Water Source: FOUR WELLS > MALHEUR SLOUGH
Authorized Use of Water: IRRIGATION ON 242.0 Acres
Maximum Diversion/
Appropriation Rate: 3.0 CFS

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2010 to October 1, 2015; and grant an extension of time to apply water to full beneficial use from October 1, 2010 to October 1, 2015.

County of Use: Baker
Application File Number: S-72124
Permit Number: S-52464
Applicant: MCGINNIS, MIKE
MCGINNIS, NICKY
Address: 26344 MEDICAL SPRINGS HWY
BAKER CITY OR 97814
River Basin: Powder Basin
Water Source: THREE RES > POWDER RIVER
Authorized Use of Water: SUPPLEMENTAL IRRIGATION ON 68.3 Acres
Maximum Diversion/
Appropriation Rate: 16.0 AF EACH YEAR FROM STORED WATER ONLY BEING; 8.0 AF FROM RES #1, 2.0 AF FROM RES #2 AND 6.0 AF FROM RES #3

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 1998 to October 1, 2014; and grant an extension of time to apply water to full beneficial use from October 1, 1999 to October 1, 2014.

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 August 10, 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-1306

MORNINGSTAR 2006, LLC
BISENIUS, JAMES A.
15350 SW SEQUOIA PARKWAY SUITE 250
PORTLAND OR 97224

AND ...

PAGEL, MARTHA O.
SCHWABE WILLIAMSON & WYATT
530 CENTER ST NE SUITE 400
SALEM OR 97301

POD: 1 WILLAMETTE R > COLUMBIA R
NE 1/4 SE 1/4 Section 29 T 3.00S R 1.00W WM
Clackamas County
0.67 C for COMMERCIAL USES

LL-1307

SLAYDEN CONSTRUCTIN GROUP
KLAR, SCOTT
500 WILLAMETTE AVE
STAYTON OR 97383

POD: 1 KNOWLES CR > SIUSLAW R
SE 1/4 SW 1/4 Section 9 T 18.00S R 9.00W WM
Lane County
0.33 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 26, 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, DESCHUTES, JEFFERSON
Transfer: 11110
Water Right: CERT 83571, 76714
Priority Date: 1900,1907,1913
Name: DESCHUTES RIVER CONSERVANCY/COID
Address: 700 NW HILL STREET BEND OR 97701
Change: USE, PLACE OF USE
Source: DESCHUTES RIVER/CRANE PRAIRIE RES

County: DESCHUTES
Transfer: 11111
Water Right: CERT 74145
Priority Date: SEPTEMBER 1, 1899
Name: DESCHUTES RIVER CONSERVANCY
Address: 700 NW HILL BEND OR 97701
Change: USE, PLACE OF USE
Source: DESCHUTES RIVER

Transfer Preliminary Determinations

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

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

Any person may protest the application and preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-0900, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant and \$300.00 protest fee for applicant. A Water Right Transfer Protest Form is available at <http://www.oregon.gov/OWRD/PUBS/forms.shtml> or by calling 503-986-0888. Protests must be received by the Department on or before August 26, 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-10008 filed by Fred D. Wallender, proposes an additional point of appropriation under Certificate 85815. The right allows the use of 3.97 cfs (priority date JANUARY 17, 1996) from a well in Sec. 29, T 3 S, R 39 E, W.M. (Grande Ronde Basin) for PRIMARY AND SUPPLEMENTAL IRRIGATION in Sec. 29. The applicant proposes to add a point of appropriation approximately 1850 feet east within Sec. 29, T 3 S, R 39 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-10996 filed by Dayspring Partners LLC, 15350 SW Sequoia Parkway Suite 50, Portland OR 97224, proposes a change in place of use under Certificates 25918, 25924, 37255, 83217 and 83219. The right described by Certificate 25918 allows the use of 0.19 cubic foot per second (priority date 1887) from High Creek in Sec. 14, T 13 S, R 24 E, W.M. for irrigation within Sects. 11 and 14. The right described by Certificate 25924 allows the use of 0.19 cubic foot per second (priority date 1899) from a spring and Rock Creek in Sec. 14, T 13 S, R 24 E, W.M. for supplemental irrigation within Sects. 11 and 14. The right described by Certificate 37255 allows the use of 0.125 cubic foot per second (priority date April 30, 1954) from Rock Creek in Sec. 35, T 12 S, R 24 E, W.M. and Sects. 2, 11, 14, 15, and 27, T 13 S, R 24 E, W.M. for supplemental irrigation within Sects. 11 and 14. The right described by Certificate 83217 allows the use of 7.6 acre feet stored water only (priority date October 16, 1984) from Frog Pond Reservoir in Sec. 16, T 13 S, R 24 E, W.M. for supplemental

irrigation within Sects. 11 and 14. The right described by Certificate 83219 allows the use of 0.063 cubic foot per second (priority date August 6, 1986) from an unnamed drainage way with any deficiency in the unnamed drainage way to be made up from 11.56 acre feet stored water only from Beaver Pond Reservoir in Sections 15 and 27, T 13 S, R 24 E, W.M. for supplemental irrigation within Sects. 11 and 14. The applicant proposes to change the place of use to within Sec.11, T 13 S, R 24 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-11065 filed by DELYLE AND DANIELLE DIAZ OR FRANK AND JULIANA DIAZ, PO BOX 676, MERRILL, OR 97633, proposes a change in point of appropriation under Certificate 86099. The right allows the use of 0.85 CUBIC FOOT PER SECOND (priority date JUNE 22, 1993) from a well in Sec. 4, T 41 S, R 11 E, W.M. (Lost River Basin) for SUPPLEMENTAL IRRIGATION in Sec. 33, T 40 S, R 11 E, and Sec. 4, T 41 S, R 11 E, W.M. The applicant proposes to move the point of appropriation for a portion of the right approximately 400 feet north-northeast to Sec. 4, T 41 S, R 11 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.

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 August 26, 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:

Canby Utility (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@ wrd.state.or.us.

**OREGON
WATER
RESOURCES
DEPARTMENT**



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

July 27, 2010

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number
(e.g. "Permit Application G-12345" or "Transfer T-1234"):
enclosed)*

Mail me the order
(payment

Your Name, Address, and Phone Number:

* We are required by law to charge a fee of \$20 to mail a copy of a proposed and final order on a pending water right application or permit extension to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$20 for each type of order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of propose final order and final order are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)