

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
August 10, 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.
- \* **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.
- \* **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.
- \* **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 Open Comment Period Public Hearing**  
**Swan Lake North 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, September 09, 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 24, 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-17400</a>	HENSLEE, RICK D. 60523 HWY 402 LONG CREEK OR 97856						IR 3
6	A WELL > LONG CREEK	10.00S 30.00E 9 NENE	Grant	06/21/2010	1.23C		
Uses:	IR						
<a href="#">G-17283</a>	REED, BILL ALBINA COMMUNITY HOUSING LLC 2808 NE MARTIN LUTHER KING JR BLVD SUITE P PORTLAND						IR 3
2	A WELL > WILLAMETTE RIVER	1.00N 1.00E 26 NWSW	Multnomah	11/04/2009	0.111C		
Uses:	GT						
<a href="#">S-87642</a>	WILL, JAMES W. 257 OLD LOWER SMITH RD REEDSPORT OR 97467						IR 3
16	UNNAMED STREAM > FRANTZ CREEK	21.00S 12.00W 13 SWSW	Douglas	07/20/2010	0.01C		
Uses:	DN						

## 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-17138</a>	12	HARN	11/04/2008		MIKE PEILA	07/30/2010
<a href="#">G-17256</a>	12	HARN	08/24/2009		DOUGLAS LUNDY	07/30/2010
<a href="#">R-86742</a>	2	LINN	01/05/2007		ALBERT KNIGHT	07/30/2010
<a href="#">R-87015</a>	7	UMAT	10/19/2007	J R SIMPLOT CO.		07/30/2010
<a href="#">R-87599</a>	16	DOUG	05/05/2010		MONTE HILL	07/30/2010
<a href="#">S-86743</a>	2	LINN	01/05/2007		ALBERT KNIGHT	07/30/2010
<a href="#">S-86895</a>	15	JOSE	06/11/2007		BARRY STONE	07/30/2010
<a href="#">S-86899</a>	17	COOS	06/19/2007		NORMAN PARRISH	07/30/2010
<a href="#">S-87557</a>	17	COOS	12/04/2009		DEAN ABNEY	07/30/2010
<a href="#">S-87626</a>	17	COOS	05/19/2010		THOMAS JACKSON	07/30/2010
<a href="#">R-84768</a>	5	WASC	06/01/2001	BLAINE LIMITED PARTNERSHIP		08/05/2010
<a href="#">R-87568</a>	8	UNIO	01/06/2010	STANDLEY TIMBER LLC	DAVID STANDLEY	08/05/2010
<a href="#">S-84767</a>	5	WASC	06/01/2001	BLAINE LIMITED PARTNERSHIP		08/05/2010
<a href="#">S-87349</a>	5	KLAM	11/21/2008		ARLO GOODWIN	08/05/2010
<a href="#">S-87615</a>	16	DOUG	06/03/2010		JERRY TABOR	08/05/2010
<a href="#">S-87584</a>	2	MARI	02/22/2010		ROBERT DESANTIS	08/10/2010

## 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 **September 09, 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-87644  
J AND C BAYNE LLC  
J AND C BAYNE LLC  
3309 GEARY ST SE  
ALBANY OR 97322

EDWARD SCHULTZ ESQUIRE (C/O)  
EDWARD SCHULTZ ESQUIRE (C/O)  
3309 GEARY ST SE  
ALBANY OR 97322

VENELL, LARRY  
VENELL FARMS INC.  
30742 VENELL PLACE  
CORVALLIS OR 97333

POD: 1 WILLAMETTE RIVER > COLUMBIA RIVER  
SE 1/4 SE 1/4 Section 18T 13.00S R 4.00W WM  
Benton County  
0.0 AFT for IRRIGATION (est.)

POD: 2 BLUE RIVER RESERVOIR > WILLAMETTE RIVER  
SE 1/4 SE 1/4 Section 16T 16.00S R 4.00E WM  
Benton County  
43.075 AFT for IRRIGATION (est.)

POD: 3 COTTAGE GROVE RESERVOIR > WILLAMETTE RIVER  
SE 1/4 NE 1/4 Section 28T 21.00S R 3.00W WM  
Benton County  
43.075 AFT for IRRIGATION (est.)

POD: 4 COUGAR RESERVOIR > WILLAMETTE RIVER  
SE 1/4 SE 1/4 Section 31T 16.00S R 5.00E WM  
Benton County  
43.075 AFT for IRRIGATION (est.)

POD: 5 DETROIT RESERVOIR > WILLAMETTE RIVER  
SW 1/4 NW 1/4 Section 7 T 10.00S R 5.00E WM  
Benton County  
43.075 AFT for IRRIGATION (est.)

POD: 6 DORENA RESERVOIR > WILLAMETTE RIVER  
NW 1/4 SE 1/4 Section 20T 39.00S R 2.00E WM  
Benton County  
43.075 AFT for IRRIGATION (est.)

POD: 7 FALL CREEK RESERVOIR > WILLAMETTE RIVER  
NE 1/4 SW 1/4 Section 1 T 19.00S R 1.00W WM  
Benton County  
43.075 AFT for IRRIGATION (est.)

POD: 8 FERN RIDGE RESERVOIR > WILLAMETTE RIVER  
NE 1/4 SW 1/4 Section 4 T 17.00S R 5.00W WM  
Benton County  
43.075 AFT for IRRIGATION (est.)

POD: 9 GREEN PETER RESERVOIR > WILLAMETTE RIVER  
NW 1/4 SE 1/4 Section 10T 13.00S R 2.00E WM  
Benton County  
43.075 AFT for IRRIGATION (est.)

POD: 10 HILLS CREEK RESERVOIR > WILLAMETTE RIVER  
SE 1/4 SW 1/4 Section 26T 21.00S R 3.00E WM  
Benton County  
43.075 AFT for IRRIGATION (est.)

POD: 11 LOOKOUT POINT RESERVOIR > WILLAMETTE RIVER  
NW 1/4 SE 1/4 Section 13T 21.00S R 3.00E WM  
Benton County  
43.075 AFT for IRRIGATION (est.)



**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 September 09, 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-12256  
Permit Number: G-11218  
OAKWOOD WATER SYSTEM INC  
1330 LINWOOD DR NE  
ALBANY OR 97321  
Linn County  
TWO WELLS > TRUAX CREEK  
0.06 CFS  
GROUP DOMESTIC USE FOR 25 FAMILIES INCLUDING IRRIGATION OF LAWN AND NON-  
COMMERCIAL GARDEN NOT TO EXCEED ½ ACRE EACH  
October 1, 2020

Application Number: S-46891  
Permit Number: S-35058  
CITY OF ARLINGTON  
WETHERELL, TIM  
PO BOX 68  
ARLINGTON OR 97812  
Gilliam County  
COLUMBIA RIVER > PACIFIC OCEAN  
8.16 CFS  
MUNICIPAL USES  
October 1, 2030

Application Number: R-71218  
Permit Number: R-12078  
BUHLER, ULRICK F; BUHLER, REBECCA A  
13001 SE LUSTED RD  
SANDY OR 97055  
Clackamas County  
UNNAMED STREAM/RESERVOIR 1 > SANDY RIVER  
3.0 AF EACH YEAR  
STORED WATER; LIVESTOCK WATER  
October 1, 2015

Application Number: S-73080  
Permit Number: S-52525  
WEBSTER, WALLACE  
97948 S COOS RIVER LN  
COOS BAY OR 97420  
Coos County  
UNNAMED STREAM > COOS RIVER  
SOUTH FORK COOS RIVER > COOS RIVER  
0.435 CFS; BEING 0.425 CFS FOR IRRIGATION FROM SOUTH FORK COOS RIVER, AND 0.01  
CFS FOR DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD FROM THE UNNAMED STREAM  
DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD AND IRRIGATION OF 34.0 ACRES  
October 1, 2013

**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 24, 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:	Union
Application File Number:	G-16351
Permit Number:	G-15922
Applicant:	MOUNT HARRIS FARMS BINGAMAN, RUSSELL
Address:	PO BOX 509 IMBLER OR 97841-0509
River Basin:	Grande Ronde Basin
Water Source:	A WELL > CANYON CREEK
Authorized Use of Water:	IRRIGATION ON 154.4 Acres
Maximum Diversion/ Appropriation Rate:	1.93 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2009 to October 1, 2011.

County of Use: Baker  
Application File Number: R-72122  
Permit Number: R-11878  
Applicant: MCGINNIS, MIKE; MCGINNIS, NICKY  
Address: 26344 MEDICAL SPRINGS HWY  
BAKER CITY OR 97814  
River Basin: Powder Basin  
Water Source: BIG CREEK/RESERVOIR 26 > POWDER RIVER  
Authorized Use of Water: STORED WATER: LIVESTOCK WATERING AND SUPPLEMENTAL  
IRRIGATION  
Maximum Diversion/  
Appropriation Rate: 16.0 AF

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 24, 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-1312

CITY OF ROSEBURG

TAYLOR, BARBARA

900 SE DOUGLAS

ROSEBURG OR 97470

POD: 1 GALESVILLE RES > COW CR

SW 1/4 SE 1/4 Section 14 T 27.00S R 6.00W WM

Douglas County

2.23 A for IRRIGATION

POD: 2 GALESVILLE RES > COW CR

SW 1/4 SE 1/4 Section 14 T 27.00S R 6.00W WM

Douglas County

2.85 A for IRRIGATION

POD: 3 GALESVILLE RES > COW CR

NW 1/4 SE 1/4 Section 24 T 27.00S R 6.00W WM

Douglas County

11.15 A for IRRIGATION

LL-1313

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 FARM 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 31, 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: Douglas

Instream Lease Number: IL 716

Lessor:  
FERGUSON, ATTN: GARY  
INTERNATIONAL PAPER COMPANY  
77622 U.S. HIGHWAY 101  
GARDINER OR 97441

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD (AS DESCRIBED IN FINDING OF FACT #2) TO PACIFIC OCEAN

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
80656 RR *		3/16/1955	IM	0.825		SILTCOOS L	PACIFIC OCEAN	
80656 RR *		3/16/1955	IM	0.825	13899	TAHKENITCH L	PACIFIC OCEAN	

County: Lane

Instream Lease Number: IL 717

Lessor:  
FERGUSON, ATTN: GARY  
INTERNATIONAL PAPER COMPANY  
77622 U.S. HIGHWAY 101  
GARDINER OR 97441

Contact: KODY THURGOOD at 503-986-0892

Reach: POD (AS DESCRIBED IN FINDING OF FACT #2)

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
80657 RR * R 2341		6/20/1955	IM		11595.0	SILTCOOS RIVER	PACIFIC OCEAN	

County: Douglas

Instream Lease Number: IL 718

Lessor:  
FERGUSON, ATTN: GARY  
INTERNATIONAL PAPER COMPANY  
77622 U.S. HIGHWAY 101  
GARDINER OR 97441

Contact: KODY THURGOOD at 503-986-0892

Reach: POD (AS DESCRIBED IN FINDING OF FACT #2)

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
80658	RR * R 2342	8/3/1955	IM		7525.0	TAHKENITCH RES	PACIFIC OCEAN	
80658	RR * R 2342	11/9/1955	IM		5580.0	TAHKENITCH RES	PACIFIC OCEAN	



## **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 September 09, 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:	LINCOLN
Transfer:	11116
Water Right:	CERT 21779
Priority Date:	APRIL 22, 1947, JULY 18, 1947, JULY 18, 1949
Name:	CITY OF LINCOLN CITY, DAVID HAWKER
Address:	801 SW HWY 101, LINCOLN CITY OR 97367
Change:	PLACE OF USE, ADDITIONAL POINT OF DIVERSION
Source:	ROCK CREEK

## **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 September 09, 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-8623 filed by Bob Gordon, proposes to change from a surface water point of diversion to a ground water appropriation under Certificate 83680. The right allows the use of 0.14 CFS (Priority date NOVEMBER 29, 1991) from an UNNAMED SLOUGH, tributary to the MCKENZIE RIVER in Sec. 28, T 17 S, R 1 W, W.M. for IRRIGATION of 11.5 Acres within Sec. 28. The applicant proposes to move to a ground water appropriation located within Sec. 28. 165 feet south from the current point of diversion. 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-11017 filed by WILLIAM C. AND MARY C. DRIVER, PO BOX 1027, JACKSONVILLE, OR 97530, proposes a change in point of diversion under Certificate 81152. The right allows the use of 0.075 CUBIC FOOT PER SECOND (priority date 1857) from the LITTLE APPLGATE RIVER in Sec. 29, T 39 S, R 2 W, W.M. for IRRIGATION and LIVESTOCK in Sec. 19, T 39 S, R 2 W, W.M. The applicant proposes to move the point of diversion approximately 1.4 miles downstream to Sec. 19, T39S, R2W, 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-10814 filed by Jon C. and Karen S. Tucker, PO Box 615, Stayton, Oregon 97383, proposes a change from a surface water point of

diversion to a ground water point of appropriation under Certificate 23864. The right allows the use of 0.69 cubic footper second (priority date May 14, 1947) from the North Santiam River in Sec. 19, T 9 S, R 1 W, W.M. for irrigation in Sec. 19. The applicant proposes to move the point of diversion to a point of appropriation approximately 150 feet downstream within Sec. 19, T 9 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-10849 filed by RICHARD FUNK, 54 BITTERROOT DRIVE, WALLA WALLA, WA 99362, proposes an additional point of appropriation under Certificate 55017. The right allows the use of 0.25 CUBIC FOOT PER SECOND (priority date JUNE 29, 1978) from a well in Sec. 2, T 5 N, R 35 E, W.M. (Walla Walla River Basin) for SUPPLEMENTAL IRRIGATION in Sec. 2. The applicant proposes an additional point of appropriation approximately 10 feet west from the location of the authorized well. 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-10862 filed by Muddy Creeks Irrigation District, PO Box 225, Harrisburg, OR, 97446, proposes a change in place of use under Certificate 68366. The right allows the use of 5.54 cubic feet per second (priority date February 7, 1973) from the McKenzie River in Sec. 9, T 17 S, R 3 W, W.M. for irrigation in Sec. 35 and 36, T 15 S, R 4 W. The applicant proposes to change the place of use to within Sec. 22, T 14 S, R 4 W and Sects. 16, 28, 29, and 32, T 15 S, R 3 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-10890 filed by Southworth Brothers, Inc., proposes to change the place of use under Certificate 400. The right allows the use of 0.29 CUBIC FOOT PER SECOND (priority date MAY 10, 1909) from DAMON CREEK in Sec. 30, T 16 S, R 31 E, W.M. for IRRIGATION in Sec. 30, T 16 S, R 31 E, W.M. Application T-10890 proposes to change the place of use to Sec. 28, T 16 S, R 31 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-10949 filed by Ron LaFranchi, proposes to change the points of appropriation and to change the places of use under Certificates 47618 and 52623. Certificate 47618 allows the use of 0.44 CUBIC FOOT PER SECOND (Priority date OCTOBER 6, 1975) from a well in Sec. 34, T 25 S, R 14 E, W.M. (Fort Rock Basin) for IRRIGATION within Sec. 34. The applicant proposes to move the authorized point of appropriation from approximately 1 to 1 1/2 miles from the existing point of appropriation to a well in Sec. 21, T 26 S, R 15 E, W.M. for irrigation in Sec. 21, T 26 S, R 15 E, W.M. Certificate 52623 allows the use of 0.29 CUBIC FOOT PER SECOND (priority date MAY 6, 1977) from a well in Sec. 34, T 25 S, R. 14 E, W.M. for IRRIGATION within Sec. 34. The applicant proposes to move the authorized point of appropriation approximately 1 to 1 1/2 miles from the existing point of appropriation to TWO wells located in Sec. 21, T 26 S, R 15 E, W.M. (Fort Rock Basin) for IRRIGATION in Secs. 21 and 22. 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:	CLACKAMAS
Transfer:	11114
Water Right:	CERT 56661
Priority Date:	JUNE 25, 1979
Name:	SIRI AND SON FARMS
Address:	16410 SE HWY 212, DAMASCUS OR 97089
Change:	PLACE OF USE
Source:	ROCK CREEK

## **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 September 09, 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:

Pacific City Joint Water Sanitary Authority (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](mailto:lisa.j.jaramillo@wrd.state.or.us).

**Notice of Open Comment Period  
Public Hearing  
Swan Lake North Hydroelectric Project**

**August 31, 2010, 6:30 p.m.  
Klamath County Government Center  
305 Main Street; Klamath Falls, OR**

**Comments on this application for preliminary permit for a new hydroelectric project are requested from interested citizens, organizations, governmental entities, and other parties. Comments are requested on whether the impacts of this project are such that they might be cumulative with other proposed or existing projects in the Klamath basin. Requests for additional studies related to project impacts may also be submitted.**

**The application and supporting documents may be viewed at the Water Resources Department, 725 Summer Street NE, Salem, Oregon 97301. The project is also filed with the Federal Energy Regulatory Commission (FERC) as docket p-13318**

**Comments may be submitted at the public hearing, or in writing to the Oregon Water Resources Department by September 15, 2010.**

**The Swan Lake North Hydro L.L.C. application for a preliminary permit for a major hydroelectric project in Klamath County.**

Application #:	HE 592
Applicant:	Swan Lake North LLC
Address:	975 S State Highway, Logan, UT 84321
Amount of water:	15,922 cubic feet per second
Source of water:	Two existing permitted wells will be used for the initial fill of 13,965 acre-feet. 1,574 additional acre-feet will be needed annually for replacement due to evaporation.
Reservoir Location:	Sections 13, 14, 15, 22, 23 of Township 37 South, Range 10 East, W.M.
Purpose:	Hydroelectric power production.
Plant Capacity:	2,359,351 Theoretical Horsepower

For Further Information Contact: R. Craig Kohanek 503-986-0823.

Note: The services, programs and activities of the Water Resources Department are covered by the Americans with Disabilities Act (ADA). The ADA prohibits discrimination against persons with disabilities. The Department intends to comply with the ADA. If you are interested and need special accommodations to participate in the public hearing, please contact Mary Graine at (503) 986-0833, at least 48 hours prior to the hearing.

# **OREGON WATER RESOURCES DEPARTMENT**



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

## **PUBLIC NOTICE OF WATER USE REQUESTS**

August 10, 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.)