

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
November 30, 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.
- * **Municipal permit extension applications referred to Oregon Department of Fish and Wildlife for review under provisions of OAR 690- 315-0080.**
- * **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 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.
- * **District Permanent Transfers (ORS 540.580)**
Petitions requesting transfers in place of use within a district's boundaries.

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, December 30, 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, January 14, 2011.

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 02 A WELL > SPRING CR	EUGENE OR 97123	16.00S 03.00W 19 NESW	Lane	01/29/2002	0.3700 C	IR	3
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)

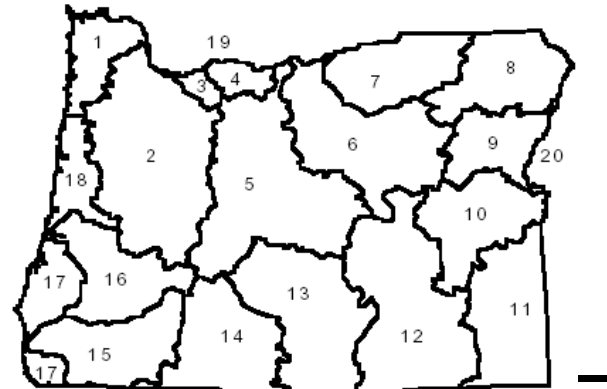
BASINS:

- | | |
|-----------------|---------------------|
| 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 |

“Type 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



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
G-16717	2	WASH	08/31/2006		ROBERT JOSSY	11/18/2010
G-17190	2	LINN	03/17/2009	KNIFE RIVER INC.		11/19/2010
G-17402	2	YAMH	06/22/2010		EARL LUMPKINS	11/19/2010
S-87362	5	KLAM	12/12/2008		NANCY CROSS	11/23/2010
G-17303	14	KLAM	02/01/2010	OREGON INSTITUTE OF TECHNOLOGY		11/24/2010
G-17316	7	UMAT	03/02/2010		ROY KELLER	11/24/2010
G-17325	2	MULT	03/22/2010	CYRK BUILDING LLC		11/24/2010
G-17359	7	MORR	04/20/2010		RICH RUHL	11/24/2010
G-17363	5	SHER	04/26/2010		RONALD MCDERMID	11/24/2010
G-17368	6	GRAN	04/28/2010		PHILIP GERSTNER	11/24/2010
R-87620	2	LANE	06/15/2010		SHERILL HELFRICH	11/24/2010
R-87651	2	CLAC	08/30/2010		KURT WILLIAMS	11/24/2010
S-87567	1	COLU	01/05/2010		MICHAEL SEELY	11/24/2010

**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 December 30, 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: S-86311
Permit Number: S-54236
LOSHBAUGH, DANIEL
PO BOX 343
SIXES OR 97476
Curry County
A RESERVOIR > PRICE CREEK
8.0 AF
CRANBERRY
October 1, 2015

Application Number: R-86310
Permit Number: R-14247
LOSHBAUGH, DANIEL
PO BOX 343
SIXES OR 97476
Curry County
RUNOFF > PRICE CREEK
8.0 AF
STORAGE FOR CRANBERRY USE
October 1, 2015

Application Number: G-16490
Permit Number: G-16080
KIERNAN, MARGARET FRANCES
21328 SE MAIN ST
GRESHAM, OR 97030
Clackamas County
A WELL > CREAMERY CREEK
0.5 CFS
IRRIGATION USE ON 40.2 ACRES
October 1, 2011

Application Number: G-16060
Permit Number: G-16026
AVION WATER CO. INC.
60813 PARRELL RD
BEND OR 97702
Deschutes County
13 WELLS > DESCHUTES RIVER
10.0 FROM ANY COMBINATION OF 13 WELLS, LIMITED TO A MAXIMUM ANNUAL VOLUME OF
1287.0 AC-FT, FURTHER LIMITED BY MITIGATION REQUIREMENTS
QUASI-MUNICIPAL USES
October 1, 2025

Application Number: G-15851
Permit Number: G-16025
AVION WATER CO. INC.
60813 PARRELL RD
BEND OR 97702
Deschutes County
13 WELLS > DESCHUTES RIVER
5.0 FROM ANY COMBINATION OF 13 WELLS, LIMITED TO A MAXIMUM ANNUAL VOLUME OF
643.0 AC-FT. FURTHER LIMITED BY MITIGATION REQUIREMENTS
QUASI-MUNICIPAL USES
October 1, 2025

**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 January 14, 2011. 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:	Clackamas
Application File Number:	R-71218
Permit Number:	R-12078
Applicant:	BUHLER, ULRICK F; BUHLER, REBECCA A
Address:	13001 SE LUSTED RD SANDY OR 97055
River Basin:	Sandy Basin
Water Source:	UNNAMED STREAM/RESERVOIR > SANDY RIVER
Authorized Use of Water:	STORE WATER IN 7 RESERVOIRS FOR LIVESTOCK
Maximum Diversion/ Appropriation Rate:	3 AF

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2004 to October 1, 2015; and grant an extension of time to apply water to full beneficial use from October 1, 2004 to October 1, 2015

**Pending Municipal Permit Extension Applications Sent to
Oregon Department of Fish and Wildlife for Review**

Consistent with OAR 690-315-0080 the Department must notify Oregon Department of Fish and Wildlife of certain pending municipal water use extension applications. If applicable under OAR 690-315-0080 any undeveloped portion of a municipal permit must be conditioned to maintain the persistence of listed fish species in the portions of waterways affected by water use under the permit. The following applications were referred to the Oregon Department of Fish and Wildlife on November 22, 2010.

Application File Number: G-8926

Permit Number: G-8579

Applicant: City of Monmouth

Water Source: Two wells within the Willamette River Basin

Authorized Use of Water Under Permit: 5.0 cfs

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 December 14, 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-1328

HOOD RIVER SAND GRAVEL & READY MIX INC

SHAMES, PETER

WEEDMAN, MIKE

2630 OLD COLUMBIA RIVER RD

HOOD RIVER OR 97031

POD: 1 A WELL > ROCK CR

NE 1/4 NE 1/4 Section 29 T 1.00N R 21.00E WM

Gilliam County

0.22 C for GENERAL CONSTRUCTION OR MAINTENANCE

LL-1329

YAZDANFAR, BEHZAD

WRIGHT, LUCINDA

9415 MARION RD SE

TURNER OR 97392

POD: 1 A WELL > MILL CR

SW 1/4 NE 1/4 Section 4 T 9.00S R 2.00W WM

Marion County

0.11 C for IRRIGATION

LL-1330

OREGON RESOURCES CORP

ZAGAR, PETER

PO BOX 1350

COOS BAY OR 97420

POD: 1 A MINING PIT > THREEMILE CR

SW 1/4 SE 1/4 Section 10 T 27.00S R 14.00W WM

Coos County

20,000 GPD for DUST CONTROL FOR MINE SITE ROADS

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 December 30, 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-9179 filed by Zakar and Dolores Chaghatzbanian, 24145 Redwood Highway, Kerby, OR 97531, proposes a change in point of diversion under Certificates 13900 and 13945. Certificate 13900 allows the use of 0.006 cubic foot per second (priority date May, 1887) and Certificate 13945 allows the use of 0.003 cubic foot per second (priority date May, 1887), from East Fork Illinois River, tributary to the Illinois River in Sec. 27, T 39 S, R 8 W, W.M. for irrigation of 0.28 acre (Cert. 13900) and 0.16 acre (Cert. 13945) in Sec. 9, T 39 S, R 8 W, W.M. The applicant proposes to move the point of diversion approximately 4.5 miles downstream to Sec. 9, T 39 S, R 8 W, W.M. The Water Resources Department has concluded that the proposed transfer appears not to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 and is proposing to deny the transfer application.

T-10923 filed by SBE INC, 11880 LAUREN LANE, NEWBERG, OR 97132, proposes a change in point of appropriation and additional points of appropriation under Certificates 27212 and 33762. Certificate 27212 allows the use of 0.91 CUBIC FOOT PER SECOND (priority date JULY 10, 1956) from a well in Sec. 8, T 4 S, R 2 W, W.M. (Willamette River Basin) for IRRIGATION. Certificate 33762 allows the use of 1.13 CUBIC FEET PER SECOND (priority date October 28, 1963) from a well in Sec. 7, T 4 S, R 2 W, W.M. (Willamette River Basin) for PRIMARY AND SUPPLEMENTAL IRRIGATION. Both certificates allow irrigation in Sec. 7 and 8, T 4 S, R 2 W, W.M. The applicant proposes to change a point of appropriation and add additional points of appropriation approximately 1500 to 3000 feet from the original points of appropriation. 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.

District Permanent Transfers (ORS 540.580)

A district may request to permanently change the place of use within district boundaries. A district may provide notice to the Department of a change before it is made, and shall submit a district permanent application prior to the end of the calendar year in which the change occurs. The Department shall approve the transfer application provided it does not cause injury to existing water rights or expand the water use. The final order approving the permanent transfer is subject to protest.

This public notice also includes district notices of proposed changes. The Department will accept comments on injury and enlargement of changes in place of use associated with the notice and use those comments in the review of the proposed change.

The Department seeks public comment on recently filed district transfer applications listed below. The deadline for comments or protests to the transfer application must be received by the Department on or before December 30, 2010. The Department will hold a contested case hearing if: 1) a protest and \$600 protest fee for non-applicant and \$300.00 protest fee for applicant are received within the time allowed; or 2) the Department finds a hearing is needed to determine whether the proposed changes would result in injury to existing rights. (If a water user believes that a proposed change could injure a water delivery within a district's boundaries, the matter will be resolved directly between the district and the water user.)

County:	MALHEUR
Transfer:	11157
Water Right:	CERT 81012
Priority Date:	1916, 1924
Name:	RIDGEVIEW IRRIGATION DISTRICT, RONALD KIESTER
Address:	PO BOX 67, HOMEDALE ID 83628
Change:	PLACE OF USE
Source:	A RESERVOIR/OWYHEE RIVER

**OREGON
WATER
RESOURCES
DEPARTMENT**



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

November 30, 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.)