

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
December 14, 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.
- * **Alternate Reservoir Applications (ORS 537.409)**
Applications for storage permits for small ponds filed under a simplified review process.
- * **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
- * **Extension of Time Checkpoint Progress Reports filed pursuant to OAR 690-320**
Documents the progress made toward development of the water use project since approval of the last permit extension and/or the last progress report checkpoint. (OAR 690-320 pertains to permit extension applications filed before July 1, 2001.)
- * **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.

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, January 13, 2011. 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 28, 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	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)

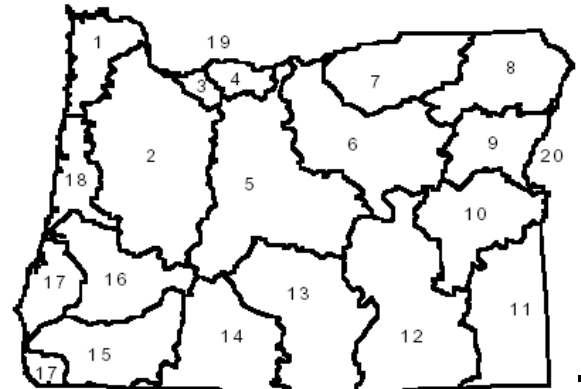
BASINS:

- | | |
|-----------------|---------------------|
| 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
G-17252	MARSHALL, RANDY 79263 AYERS RD WAMIC OR	97063					PFO 2
5	A WELL > ROCK CREEK	4.00S 12.00E 28 SWSE	Wasco	08/13/2009	1.0C		
Uses:	IR						
R-87590	MULKEY, GARTH 13535 DE ARMOND RD MONMOUTH OR	97361					PFO 2
2	RUNOFF > BERRY CREEK	9.00S 5.00W 35 SWSW	Polk	03/12/2010	51.5A		
2	BERRY CREEK > SOAP CREEK	10.00S 5.00W 2 SWNE	Polk	03/12/2010	51.5A		
Uses:	FI ST WI						
G-17250	OLSON, STEPHEN E. PO BOX 715 HINES OR	97738					IR 2
12	A WELL > SAGE HEN CREEK	24.00S 30.00E 9 NWSW	Harney	08/03/2009	0.557C		
12	A WELL > SAGE HEN CREEK	24.00S 30.00E 9 SWSW	Harney	08/03/2009	1.44C		
Uses:	IR						

ADDENDUM TO THE DECEMBER 7, 2010, PUBLIC NOTICE OF WATER USE REQUESTS

Application S-87663 Nofrey, Byron L.

The Oregon Water Resources Department's December 7, 2010 Public Notice of Water Use Requests erroneously noted that the Initial Review (IR) was issued with the status of "permit may be issued with conditions" for Applications S-87663 (Nofrey, Byron L.). We are re-noticing Application S-87663 to reflect the correct status of "permit unlikely to be issued". The comment deadline for this IR will now be 5 pm Thursday, January 13, 2011.

S-87663	NOFREY, BYRON L. 12000 E MAPLETON RD MAPLETON OR	97453					IR 3
18	SIUSLAW RIVER > PACIFIC OCEAN	17.00S 10.00W 23 SWNW	Lane	11/03/2010	0.015C		
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
S-87141	2	POLK	04/14/2008	DITCHEN LAND CO. LLP		12/06/2010
S-87142	2	POLK	04/14/2008	DITCHEN LAND CO. LLP		12/06/2010
S-87544	16	DOUG	11/03/2009		MICHAEL MCCOY	12/06/2010
R-86698	2	POLK	10/10/2006		FRED MAGEE	12/13/2010
R-87449	2	CLAC	05/22/2009		AARON YOUNG	12/13/2010

Alternate Reservoir Applications (ORS 537.409)

For alternate reservoir applications filed under ORS 537.409, the public is invited to comment within 60 days of this notice. The law provides that within 60 days after the Department provides public notice of the application, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir:

- (A) Would result in injury to an existing water right; or
- (B) Would pose a significant detrimental impact to existing fishery resources as determined on the basis of information submitted by the State Department of Fish and Wildlife.

Such comments must be submitted on or before February 12, 2011.

R-87669

RICHEY, WILLIAM

4425 GALICE RD

MERLIN OR 97532

POD: 1 RUNOFF > BROCKMAN GULCH

SW 1/4 NE 1/4 Section 14T 35.00S R 7.00W WM

Josephine County

4.9 A for MULTIPLE PURPOSE

R-87671

THORKEKELSON, MARK

1080 CANTRALL RD

JASKSONVILLE OR 97530

POD: 1 UNNAMED STREAM > APPLGATE RIVER

SW 1/4 NE 1/4 Section 32T 38.00S R 3.00W WM

Jackson County

4.0 A for MULTIPLE PURPOSE

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 **January 13, 2011**. 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-87670
HUNTER, DUNCAN JAMES
651 SHARON WAY
CENTRAL POINT OR 97502
POD: 1 ROGUE RIVER > PACIFIC OCEAN
NW 1/4 NE 1/4 Section 22T 36.00S R 3.00W WM
Jackson County
0.0 AFT for IRRIGATION (est.)

POD: 2 LOST CREEK RESERVOIR > ROGUE RIVER
SE 1/4 NW 1/4 Section 26T 33.00S R 1.00E WM
Jackson County
9.86 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 January 13, 2011. 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-15789

Permit Number: G-15855

EAGLE CREST INC.

PO Box 1215

REDMOND OR 97756

Crook County

6 WELLS > DESCHUTES RIVER BASIN

3.34 CFS, LIMITED TO A MAXIMUM ANNUAL VOLUME OF 508 AF, FURTHER LIMITED BY THE MITIGATION

QUASI-MUNICIPAL USES

October 1, 2030

Application Number: G-11517
Permit Number: G-10605
J FRANK SCHMIDT & SON CO.
PO BOX 189
BORING OR 97009

NORTHWEST FARM CREDIT SERVICES FLCA
PO BOX 13309
SALEM OR 97309-9831

NORTHWEST FARM CREDIT SERVICES PCA
PO BOX 13309
SALEM OR 97309-9831
Clackamas County
A WELL > PUDDING RIVER
1.65CFS
IRRIGATION OF 132.3 ACRES
October 1, 2013

Extensions of Time Progress
Checkpoint Progress Reports filed pursuant to OAR 690-320

Consistent with OAR 690-320-0010(10), the Department will accept public comment on the following Extension of time Checkpoint Progress Reports until January 13, 2011.

Comments must be in writing and must indicate the application file and permit numbers. Following the comment period, the Department shall review evidence to determine whether or not the permit holder has been diligent in developing and perfecting the water use permit and has complied with all terms and conditions of the permit and/or extension of time. Additionally, the Department will provide notice of its determination to anyone who has submitted comments.

Extension file information is included in the following format:

- (a) Permit holder's name and address;
- (b) Application file number / permit number
- (c) County of use
- (d) Quantity of permitted water use in gallons per minute (gpm), cubic feet per second (cfs) or acre feet (af);
- (e) Common name of water source(s) listed in the permit;
- (f) Use of water allowed under the permit;
- (g) Current authorized extension date ("C" date)

DAVENPORT NEWBERRY HOLDINGS LLC
300 ATLANTIC ST SUITE 301
STAMFORD, CT 06901
APPLICATION:G-13710 PERMIT:G-12571
DESCHUTES
0.89 CFS
A WELL IN PAULINA CREEK BASIN
INDUSTRIAL USE
10/1/2015

DAVENPORT NEWBERRY HOLDINGS LLC
300 ATLANTIC ST SUITE 301
STAMFORD, CT 06901
APPLICATION: G-13711 PERMIT: G-12595
DESCHUTES
3.56 CFS
SIX WELLS WITHIN PAULINA CREEK BASIN
INDUSTRIAL USE
10/1/2015

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 28, 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-1331
BLATTNER ENERGY INC
FAROUGH, NAOMI
392 COUNTY RD 50
AVON MN 56310
POD: 1 A WELL > JUNIPER CAN
SE 1/4 NW 1/4 Section 16 T 5.00N R 32.00E WM
Umatilla County
0.61 C for ROAD CONSTRUCTION (DUST CONTROL & DIRT COMPACTION)

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 January 04, 2011. 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: Wheeler

Instream Lease Number: IL 1099

Lessor:
BUREAU OF LAND MANAGEMENT: PRINEVILLE DISTRICT
3050 NE 3RD ST
PRINEVILLE OR 97754

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD TO USGS GAGE#14046778 (BRCO)

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
75800 RR *		1882	IR	0.36	57.6	BRIDGE CREEK	JOHN DAY RIVER	14.4

Reach: FROM POD TO USGS GAGE#14048000 (MCDONALD'S FERRY)

25435 OR *		1898	IR	0.4775	95.5	JOHN DAY RIVER	COLUMBIA RIVER	19.1
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Reach: FROM POD TO USGS GAGE#14048000 (MCDONALD'S FERRY)

47874 OR *	S 40055	8/7/1975	IR	0.52	104.5	JOHN DAY RIVER	COLUMBIA RIVER	20.9
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Reach: FROM POD TO USGS GAGE#14046778 (BRCO)

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
13592 OR		1868	IR	2.99	478.0	BRIDGE CREEK	JOHN DAY RIVER	52.1

Reach: FROM POD TO USGS GAGE#14048000 (MCDONALD'S FERRY)

38665 CR *	S 17507	2/11/1947	IR	0.838	332.0	JOHN DAY RIVER	COLUMBIA RIVER	66.3
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Reach: FROM POD TO USGS GAGE#14048000 (MCDONALD'S FERRY)

38666 CR *	S 26435	11/2/1959	IR	0.539	224.0	JOHN DAY RIVER	COLUMBIA RIVER	44.7
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Reach: FROM POD TO USGS GAGE#14048000 (MCDONALD'S FERRY)

38880 OR *	S 30334	4/5/1965	IR	1.11	377.0	JOHN DAY RIVER	COLUMBIA RIVER	75.4
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Reach: FROM POD TO USGS GAGE#14046778 (BRCO)

13570 OR *		1887, 1889	IR	3.01	23.6	GABLE CREEK	MUD CREEK	313.5
13570 OR *		1876	IR	0.28	28.9	GABLE CREEK	MUD CREEK	28.9

County: Wasco

Instream Lease Number: IL 685

Lessor:
JUSTESEN RANCHES
59720 TWIN LAKES RD
GRASS VALLEY OR 97029

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM THE PODs TO THE MOUTH OF WHITE RIVER

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
27866 CF *		1902/1916	FP,IM,PM	0.5		WHITE RIVER	DESCHUTES RIVER and THREE MILE CREEK	

County: Douglas

Instream Lease Number: IL 1102

Lessor:
MOORE, JEFFREY ASHTON
334 MISSION VINYARD RD
SAN JAUN BAUTISTA CA 95045

Agent:
PAGEL, MARTHA O.
SCHWABE, WILLIAMSON, AND WYATT P C
530 CENTER ST NE SUITE 400
SALEM OR 97301

Contact: KODY THURGOOD at 503-986-0892

Reach: PROTECTED AT THE POD

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
84310 OR *	S 51116	1/30/1990	IR	0.1	27.5	SCOTT CREEK	UMPQUA RIVER	11.0

ADDENDUM TO THE DECEMBER 7, 2010, PUBLIC NOTICE OF WATER USE REQUESTS

Instream Lease IL 1098 (Bureau of Land Management)

The Oregon Water Resources Department's December 7, 2010 Public Notice of Water Use Requests erroneously noted some of the priority dates for IL 1098 (Bureau of Land Management). We are re-noticing IL 1098 to reflect the correct priority dates. The deadline for submitting claims of injury to existing water rights or enlargement of the original right against this lease application is now January 04, 2011.

County: Grant

Instream Lease Number: IL 1098

Lessor:
 BUREAU OF LAND MANAGEMENT: PRINEVILLE DISTRICT
 3050 NE 3RD ST
 PRINEVILLE OR 97754

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD TO USGS GAGE#14039500 (SJDD) AND USGS GAGE#14048000 (MCDONALD'S FERRY)

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
25406 OR *		12/31/1898	IR	0.1875	30.0	S FORK JOHN DAY RIVER	JOHN DAY RIVER	7.5
38185 OR *	S 32478	5/15/1967	IR	0.2	120.0	JOHN DAY RIVER	COLUMBIA RIVER	120.0
25907 OR *		12/31/1907	IR	0.0225	4.5	JOHN DAY RIVER	COLUMBIA RIVER	0.9
1343 OR *	S 1468	10/23/1912	IR	0.08	24.0	SOREFOOT CREEK	JOHN DAY RIVER	6.0

10852	OR	*	S	5778	2/12/1923	IR	0.19	60.0	BRIDGE CREEK	JOHN DAY RIVER	15.0
8988	OR	*	S	8081	7/27/1927	IR	0.3	94.0	JOHN DAY RIVER	COLUMBIA RIVER	23.4
31219	OR	*	S	24769	3/21/1957	IR	0.75	240.0	JOHN DAY RIVER	COLUMBIA RIVER	48.0
21930	OR	*	S	19419	5/15/1950	IR	2.8	66.8	JOHN DAY RIVER	COLUMBIA RIVER	103.1

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 January 13, 2011. 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: MARION
Transfer: 11161
Water Right: CERT 38261
Priority Date: MAY 18, 1966
Name: BARBARA EASTERLING
Address: 24345 KLUPENGER RD NE, AURORA OR 97002
Change: POINT OF APPROPRIATION
Source: A WELL

County: LAKE
Transfer: 11162
Water Right: CERT 52626
Priority Date: APRIL 28, 1981
Name: KENNETH & LESLIE HUFFORD REVOCABLE LIVING TRUST
DBA HUFFORD ESTATE LLC
Address: PO BOX 99, FORT ROCK OR 97735
Change: PLACE OF USE, POINT OF APPROPRIATION
Source: WELL

Transfer Preliminary Determinations

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

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

Any person may protest the application and preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-0900, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant and \$300.00 protest fee for applicant. A Water Right Transfer Protest Form is available at <http://www.oregon.gov/OWRD/PUBS/forms.shtml> or by calling 503-986-0888. Protests must be received by the Department on or before January 13, 2011, 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-10968 filed by Morse Brothers Inc., dba Knife River, an MDU Resources Co., Attn Jeff Steyaert, 32260 Old Highway 34, Tangent, OR 97389, proposes a change in point of diversion and re-diversion, a change in place of use, and a change in character of use under Certificate 35753. The right allows the use of 1.3 cubic feet per second (priority date April 8, 1933) from the Middle Fork Willamette River through Georgia Pacific Mill Race in Sec. 8, T 18 S, R 2 W, W.M. for manufacturing (washing gravel) in Sec. 1, T 18 S, R 3 W, W.M. The applicant proposes to move the point of diversion approximately 1775 feet upstream in Sec. 8, T 18 S, R 2 W, W.M.; to move the point of re-diversion approximately 470 feet upstream on the Mill Race to Sec. 1, T 18 S, R 3 W, W.M.; to change the place of use to within Sects. 1 and 2, T 18 S, R 3 W, W.M.; and to change the character of use to industrial and mining. 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-11116 filed by THE CITY OF LINCOLN CITY, 801 SW HWY 101, LINCOLN CITY, OR 97367, proposes an additional point of diversion and a change in place of use under Certificate 21779. The right allows the use of 1.5 CUBIC FEET PER SECOND (priority date APRIL 22, 1947 for 0.75 cfs and JULY 18, 1949 for 0.75 cfs) from ROCK CREEK, tributary to DEVILS LAKE in Sec. 7, T 7 S, R 10 W and Sec. 12, T 7 S, R 11 W, W.M. for MUNICIPAL USE in Sec. 34, 35, and 36, T 6 S, R 11 W, and Sec. 1, 2, 3, 10, and 11, T 7S, R 11W. The applicant proposes an additional point of diversion approximately 2.9 miles downstream (Sec. 2, T 7 S, R 11 W, W.M.) and to change the place of use to Sec. 34, 35, and 36, T 6 S, R 11 W, and Sec. 1, 2, 3, 10, and 11, T 7S, R 11W, 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-11145 filed by Don and Connie Ramage, P.O. Box 44, Silver Lake, OR 97638, proposes a change in place of use under Certificate 52785. The right allows the use of 0.01 cubic foot per second (priority date March 22, 1983) from Well 3 in Sec. 11, T 28 S, R 16 E, W.M. (Fort Rock Basin) for irrigation in Sec. 11. The applicant proposes to change the place of use within Sec. 11. 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.

**OREGON
WATER
RESOURCES
DEPARTMENT**



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

December 14, 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 proposed final order and final order are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)