

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
March 8, 2011

*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.
- * **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.
- * **Application for Instream Lease**
Application by water right holder to lease existing water rights to instream use.
- * **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.

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, April 07, 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, April 22, 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)

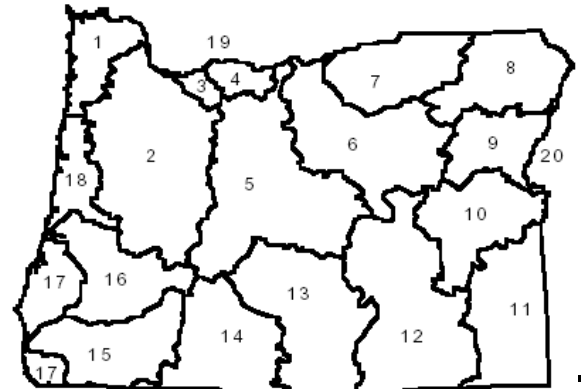
BASINS:

- | | |
|-----------------|---------------------|
| 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
R-87683	JANZEN, ROBERT L. 20555 SE WEBFOOT RD DAYTON, OR 97114						IR 2
2	UNNAMED STREAM > PALMER CREEK	5.00S 3.00W 20 SWNE	Yamhill	01/21/2011	35.34A		
Uses:	AS LV ST WI						
G-17436	DUBOIS, GARY 42629 BEILKE RD PENDLETON, OR 97801						IR 3
7	A WELL > BIRCH CREEK	1.00N 32.00E 17 SWSE	Umatilla	11/12/2010	0.111C		
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
S-87493	15	JACK	07/02/2009		EDWARD HARRISON	02/25/2011
S-87566	2	LANE	12/30/2009		GARRIE NEIL JOHNS	03/03/2011

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 May 07, 2011.

R-87676
WESTERN RIVERS CONSERVANCY 71 SW OAK ST SUITE 100 PORTLAND, OR 97204
POD: 1 A SPRING > ESAU CANYON
SE 1/4 NE 1/4 Section 26T 1.00S R 19.00E WM
Gilliam County
5.0 A for MULTIPLE PURPOSE

R-87677
WESTERN RIVERS CONSERVANCY 71 SW OAK ST SUITE 100 PORTLAND, OR 97204
POD: 1 RUNOFF > ESAU CANYON
SE 1/4 SW 1/4 Section 35T 1.00S R 19.00E WM
Gilliam County
5.0 A for MULTIPLE PURPOSE

R-87678
WESTERN RIVERS CONSERVANCY 71 SW OAK ST SUITE 100 PORTLAND, OR 97204
POD: 1 RUNOFF > ESAU CANYON
SE 1/4 NW 1/4 Section 35T 1.00S R 19.00E WM
Gilliam County
5.0 A for MULTIPLE PURPOSE

R-87679
WESTERN RIVERS CONSERVANCY 71 SW OAK ST SUITE 100 PORTLAND, OR 97204
POD: 1 A SPRING > ESAU CANYON
SW 1/4 NE 1/4 Section 25T 1.00S R 19.00E WM
Gilliam County
5.0 A for MULTIPLE PURPOSE

**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 April 07, 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: S-67983
Permit Number: S-49823
CITY OF BEND
GRIFFITHS, PATRICK
62975 BOYD ACRES RD
BEND, OR 97701
Deschutes County
BRIDGE CREEK > TUMALO CREEK
UNNAMED STREAM > MIDDLE FORK TUMALO CREEK
15.0 CFS, BEING 12.2 CFS PARTIALLY PERFECTED UNDER CERT 85713,
AND 2.8 CFS UNPERFECTED
MUNICIPAL USES
October 1, 2032

**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 April 22, 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:	Polk
Application File Number:	G-13871
Permit Number:	G-13015
Applicant:	CITY OF INDEPENDENCE
Address:	PO BOX 7 INDEPENDENCE, OR 97351
River Basin:	Willamette Basin
Water Source:	TWO WELLS > WILLAMETTE RIVER
Authorized Use of Water:	MUNICIPAL USES
Maximum Diversion/ Appropriation Rate:	1.0 CFS, BEING 0.5 CFS FROM EACH WELL

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 1998 to October 1, 2020; and grant an extension of time to apply water to full beneficial use from October 1, 1999 to October 1, 2020.

County of Use: Clackamas
Application File Number: G-15021
Permit Number: G-13779
Applicant: LEE, SHAOYAO
Address: 14610 S VAUGHN RD
MOLLALLA, OR 97206
River Basin: Willamette Basin
Water Source: FIVE WELLS > MOLALLA RIVER
Authorized Use of Water: NURSERY USES ON 23.0 Acres
Maximum Diversion/
Appropriation Rate: 0.557 CFS, FROM ANY OF THE FIVE WELLS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2009 to October 1, 2015.

County of Use: Jackson
Application File Number: S-73835
Permit Number: S-52487
Applicant: MONTAG, DONALD
MONTAG, CAROL
Address: 2605 MERCEDS AVE
HIGHLAND, CA 92346
River Basin: Rogue Basin
Water Source: LOST CREEK RESERVOIR > ROGUE RIVER
Authorized Use of Water: IRRIGATION ON 1.3 Acres
Maximum Diversion/
Appropriation Rate: 5.2 AF FROM STORED WATER

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2009 to October 1, 2012; and grant an extension of time to apply water to full beneficial use from October 1, 2009 to October 1, 2012.

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 March 29, 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: Curry

Instream Lease Number: IL 285

**** Lessee ****

OREGON WATER TRUST
65 SW YAMHILL, SUITE 200
PORTLAND, OR 97204

**** Lessor ****

WAHL RANCHES AND CO.
P.O. BOX 43
LANGLOIS, OR 97450
Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD TO THE PACIFIC OCEAN

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
54461	OR * S 40816	6/24/1976	IR	0.1	20.23	UNNAMED STREAM	ELK RIVER	7.6

Reach: FROM POD TO THE MOUTH OF CEDAR CREEK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
54460	OR * S 38408	7/13/1973	IR	0.2	40.46	CEDAR CREEK	EUCHRE CREEK	33.5

Reach: FROM THE POD TO THE PACIFIC OCEAN

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
42383	OR * S 33935	10/15/1968	IR	0.46	91.75	ELK RIVER	PACIFIC OCEAN	36.7

Reach: FROM POD TO THE PACIFIC OCEAN

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
42390	OR * S 36810	3/14/1972	IR	0.64	129.48	ELK RIVER	PACIFIC OCEAN	51.0

Reach: FROM POD TO THE PACIFIC OCEAN

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
63628	OR * S 40646	5/17/1976	IR	0.48	96.75	ELK RIVER	PACIFIC OCEAN	38.7

Reach: FROM POD TO THE PACIFIC OCEAN

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
63628	OR * S 40646	5/17/1976	IR	3.41	689.89	UNNAMED STREAM	ELK RIVER	273.1

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 April 07, 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-11083 filed by Elton D. Kemnitz, 33711 S. Dryland Rd., Molalla, OR 97038, proposes a change in point of appropriation and a change in place of use under Certificate 54233. The right allows the use of 0.13 cubic foot per second (priority date March 17, 1981) from a well in Sec. 23, T 5 S, R 1 E, W.M. (Willamette Basin) for irrigation in Sec. 23. The applicant proposes to move the point of appropriation approximately 2900 feet southwest within Sec. 23 and to change the place of use within Sec. 23. 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-11176 filed by Richard L. and Sandra M. Twigg, 31500 SW Firdale Road, Cornelius, Oregon 97113 proposes change in place of use under Certificates 68504 and 76062. Certificate 68504 allows the use of 148 gallons per minute (priority date May 12, 1986) from an unnamed stream and reservoir constructed under Permit R-1932 in Sec. 36, T 1 S, R 3 W, W.M. for irrigation in Sec. 36. Certificate 76062 allows the use of 23.8 gallons per minute (priority date May 12, 1986) from a well in Sec. 36, T 1 S, R 3 W, W.M. (Tualatin River Basin) for supplemental irrigation in Sec. 36. The applicant proposes to change the place of use within Sec. 36, T 1 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.

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:	MARION
Transfer:	11203
Water Right:	CERT 65140
Priority Date:	JUNE 25, 1987
Name:	RAYMOND J AND EILEEN KUENZI
Address:	3707 CASCADE HWY NE, SILVERTON OR 97381
Change:	APOA, POU
Source:	A WELL

**OREGON
WATER
RESOURCES
DEPARTMENT**



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

March 8, 2011

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.)