

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

## PUBLIC NOTICE OF WATER USE REQUESTS

October 4, 2011

*This notice is also available on our web page at the following address:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_notice\\_view/?notice\\_id=21](http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21)*

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.
- \* **Municipal permit extension applications referred to Oregon Department of Fish and Wildlife for review under provisions of OAR 690- 315-0080.**
- \* **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.)
- \* **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.
- \* **Establishment of Mitigation Credits in the Deschutes Basin pursuant to OAR Chapter 690, Division 521 (ORS 537.746)**
- \* **Notice of POD Change Due to Government Action**
- \* **Certificate Issuance**  
Included in this section is a listing of recently issued water right certificates.
- \* **Water Management and Conservation Plans**  
Water management and conservation plans submitted by municipalities and agricultural water suppliers under provisions of OAR Chapter 690, Division 86.

The Public Notice is published each week on the Department's web site at <http://www.wrd.state.or.us/>. If you would like to receive a *free* weekly notification when it is published, please send your request to "Jonnie.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, November 03, 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, November 18, 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)

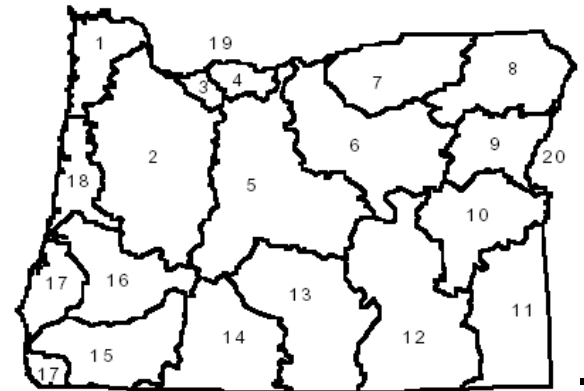
### BASINS:

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

### 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-17416</a>	TOYO TANSO USA INC. 2575 NW GRAHAM CIRCLE TROUTDALE, OR 97060						PFO 2
2	A WELL > ARATA CREEK	1.00N 3.00E 23 SWNW	Multnomah	08/23/2010	0.33C		
Uses: IM IR							
<a href="#">G-16099</a>	KRAEMER, ED 27021 S BOLLAND RD CANBY, OR 97013 KRAEMER, PAULA 27021 S BOLLAND RD CANBY, OR						PFO 2
2	A WELL > GRIBBLE CREEK	4.00S 1.00E 16 SWSW	Clackamas	09/29/2003	0.08C		
Uses: NU							
<a href="#">R-87708</a>	JUBITZ, AL 5505 SW HEWETT BLVD PORTLAND, OR 97221						PFO 2
2	UNNAMED STREAM > WILLAMETTE RIVER	3.00S 1.00E 19 SWNE	Clackamas	03/23/2011	17.0A		
Uses: AS FI ST WI							

## 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-17439</a>	2	CLAC	11/24/2010	MONTECUCCO FARMS LLC		09/22/2011
<a href="#">R-87648</a>	2	LINN	08/26/2010		LOUIS SNOOK II	09/22/2011
<a href="#">R-87649</a>	2	LINN	08/26/2010		KIMBERLY SNOOK	09/22/2011
<a href="#">R-87650</a>	2	LINN	08/26/2010		LOUIS SNOOK II	09/22/2011
<a href="#">R-87709</a>	6	MORR	03/29/2011		JOHN PATTERSON	09/22/2011
<a href="#">R-87676</a>	6	GILL	01/07/2011	WESTERN RIVERS CONSERVANCY		09/23/2011
<a href="#">R-87677</a>	6	GILL	01/07/2011	WESTERN RIVERS CONSERVANCY		09/23/2011
<a href="#">R-87678</a>	6	GILL	01/07/2011	WESTERN RIVERS CONSERVANCY		09/23/2011
<a href="#">R-87679</a>	6	GILL	01/07/2011	WESTERN RIVERS CONSERVANCY		09/23/2011
<a href="#">R-87680</a>	6	GILL	01/07/2011	WESTERN RIVERS CONSERVANCY		09/23/2011

## **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 December 03, 2011.**

R-87616  
MCCOY, CHRISTINE PO BOX 1309 NORTH PLAINS, OR 97133 MCCOY, DAVID PO BOX 1309  
NORTH PLAINS, OR 97133  
POD: 1 SPRING > EAST FORK DAIRY CREEK  
NE 1/4 SE 1/4 Section 8 T 3.00N R 3.00W WM  
Washington County  
2.0 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 November 03, 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: R-72115  
Permit Number: R-12240  
HIDE AWAY HILLS INC.; GUYER JR, RANDELL  
2790 MAIN ST  
BAKER CITY, OR 97814  
Baker County  
EAGLE CREEK/RESERVOIR > POWDER RIVER  
15.6 AF  
FISH CULTURE  
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 November 18, 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:	Douglas
Application File Number:	S-86384
Permit Number:	S-54313
Applicant:	JENKS, DAN; CATHY JENKS
Address:	PO BOX 3334 CHICO, CA 97927
River Basin:	Umpqua Basin
Water Source:	NORTH UMPQUA RIVER > UMPQUA RIVER
Authorized Use of Water:	DOMESTIC EXPANDED
Maximum Diversion/ Appropriation Rate:	0.01 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2010 to October 1, 2012.

County of Use: Marion  
Application File Number: S-84037  
Permit Number: S-53603  
Applicant: KRAUTMANN FAMILY NURSERY LLC  
Address: 4199 75TH AVE SE  
SALEM, OR 97301-9242  
River Basin: Willamette Basin  
Water Source: WESTBROOK RESERVOIR > MILLER CREEK  
UNNAMED STREAM > MILLER CREEK  
WEAVER GULCH > MILLER CREEK  
Authorized Use of Water: IRRIGATION ON 356.9 Acres  
SUPPLEMENTAL IRRIGATION ON 22.4 Acres  
Maximum Diversion/  
Appropriation Rate: 105 AF

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2003 to October 1, 2021.

County of Use: Umatilla  
Application File Number: G-15170  
Permit Number: G-14038  
Applicant: UPPER COLUMBIA CORP OF SDA CHURCH  
Address: BRIGGS, LESLIE  
PO BOX 19039  
SPOKANE, WA 99219  
River Basin: Umatilla Basin  
Water Source: A WELL > WALLA WALLA RIVER  
Authorized Use of Water: IRRIGATION ON 8.0 Acres  
Maximum Diversion/  
Appropriation Rate: 0.1 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2005 to October 1, 2012.

**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 September 27, 2011.

Application File Number:G-12591

Permit Number:G-11418

Applicant: City of Sisters

Water Source: One well within the Whychus Creek Basin

Authorized Use of Water Under Permit: Municipal

**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 November 03, 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)

City of Klamath Falls  
Application number: G-11654 Permit number: G-10854  
Klamath County  
A well within the Klamath River Basin  
Municipal

## 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 October 25, 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: Gilliam

Instream Lease Number: IL 112

\*\* Lessor \*\*  
HARPER, ALICE W.  
RICHARD HARPER  
CCJC, LLC  
PO BOX 8  
IONE, OR 97843

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM THE POD TO THE NEXT POD WITH A JUNIOR WATER RIGHT

Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to	Acres
25032	OR *	12/31/1906	DO, IR, LV	1.21	385.6	ROCK CREEK	JOHN DAY RIVER	96.4

Reach: FROM POD TO THE NEXT POD IN THE SYSTEM WITH A JUNIOR PRIORITY DATE

Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to	Acres
3339	OR * S 2057	6/9/1914	IR	2.0	725.95	ROCK CREEK	JOHN DAY RIVER	167.1

## **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 November 03, 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: DESCHUTES  
Transfer: 11300  
Water Right: CERT 67706  
Priority Date: DECEMBER 31, 1885  
Name: CITY OF SISTERS  
Address: PO BOX 39, SISTERS OR 97759  
Change: POU, USE  
Source: POLE CREEK

County: MARION  
Transfer: 11302  
Water Right: CERT 9726  
Priority Date: SEPTEMBER 21, 1929  
Name: JERRY & JEAN INGLE  
Address: 20951 BOONES FERRY RD NE, AURORA OR 97002  
Change: POU, USE  
Source: UNNAMED STREAM

County: GRANT  
Transfer: 11303  
Water Right: CERT 2406 & CERT 59122  
Priority Date: 1915, 1983  
Name: BOB CHOUINARD TRUSTEE, CHOUINARD FAMILY TRUST  
Address: 45944 HWY 26, DAYVILLE OR 97825  
Change: POU, USE  
Source: JOHN DAY RIVER

County: DOUGLAS  
Transfer: 11304  
Water Right: CERT 82504  
Priority Date: 1856, 1871  
Name: MELVIN JAMES  
Address: 6674 ROBERTS CREEK RD, ROSEBURG OR 97470  
Change: APOD  
Source: A SPRING

## **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 November 03, 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-11215 filed by Kurt M. and Veronica Spencer, 6459 Oak Hill Road, Roseburg, OR 97470, proposes a change in points of diversion, change in places of use, and change in character of use under Certificates 27632, 43957, 49003, 79303, 85765, and 85724. Certificate 27632 allows the use of 0.71 cubic foot per second (cfs) (priority date Jan. 31, 1952) from Calapooya Creek in Sec. 29, T 25 S, R 6 W, W.M. for irrigation within Sec. 29. The applicant proposes to move point of diversion for 18.9 acres downstream within Sec. 29 and to change the place of use to Secs. 28 and 29. Certificate 43957 allows the use of 0.31 cfs (priority date April 4, 1957) from Calapooya Creek in Sec. 29, T 25 S, R 6 W, W.M. for irrigation in Secs. 28 and 29. The applicant proposes to move the point of diversion for 6.2 acres downstream within Sec. 29 and to change the place of use within Secs. 28 and 29. Certificate 49003 allows the use of 0.08 cfs (priority date Dec. 15, 1952) from Calapooya Creek in Sec. 29, T 25 S, R 6 W, W.M. for irrigation within Sec. 29. The applicant proposes to change the place of use within Sec. 29. Certificate 85765 allows the use of 0.19 cfs (priority date Dec. 15, 1952) from Calapooya Creek in Sec. 29, T 25 S, R 6 W, W.M. for irrigation within Sec. 29. The applicant proposes to change the place of use within Sec. 29. Certificate 79303 allows the use of 0.28 cfs (priority date Jan 8, 1951) from



Calapooya Creek in Sec. 28, T 25 S, R 6 W, W.M. for irrigation within Sec. 28. The applicant proposes to change the place of use within Sec. 28, and to change the character of use of 0.8 acres to domestic expanded and livestock within Sec. 28. Certificate 85724 allows the use of 1.10 cfs (priority date Jan. 3, 1980) from Calapooya Creek in Sec. 29 for irrigation in Sec. 29. The applicant proposes to change the place of use to Secs. 28 and 29, and to move the point of diversion upstream to POD 2 in Sec. 29 and upstream to PODs 1 and 4 in Sec. 28. The applicant also proposes to change the character of use of 2.4 acres of irrigation to domestic expanded and livestock in Secs. 21, 28, and 29. 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-11266 filed by Knoll Ranch, LLC, 5429 Reeder Rd., Klamath Falls, OR 97603, proposes an additional point of diversion under Certificate 44733. The right allows the use of 11.0 cubic feet per second (priority date Dec. 2, 1971) from a Spring and Unnamed Stream, tributary to Upper Klamath Lake in Sec. 6, T 37 S, R 9 E, W.M. for irrigation in Secs. 1 and 12, T 37 S, R 8 E, W.M. and Secs. 6 and 7, T 37 S, R 9 E, W.M. The applicant proposes an additional point of diversion approximately 2 miles downstream in Sec. 13, T 37 S, R 8 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.

## **Establishment of Mitigation Credits in the Deschutes Basin**

ORS 537.746 authorizes the Department to award mitigation credits in the Deschutes Basin to approved mitigation projects. Mitigation credits may be used in the Deschutes Basin, specifically the Deschutes Ground Water Study Area, to mitigate for the impacts of ground water use on surface water flows. Pursuant to OAR Chapter 690, Division 521, upon receipt of notification of a mitigation project, the Department shall give public notice of the intent to establish mitigation credits.

The public is invited to comment on establishment of mitigation credits for the project(s) described below. Comments must be received within 21 days of the date of this public notice. Comments should address the award of mitigation credits to the proposed project and its use for mitigation purposes. Included in this public notice is a preliminary determination as to the amount of mitigation credits that may be available from the proposed project.

Deschutes County

**Mitigation Project #: MP-159**

Project Applicant: City of Sisters

Mitigation Project

And Process: Instream Transfer Application T-11300 for Certificate 67706

Subbasin/Source: Whychus Creek Subbasin – Pole Crooked River, tributary to Whychus Creek

Amount of Water: Proposed Instream: up to 0.2 CFS  
Maximum Annual Volume –  
144.54 Af

Current Use: Municipal Use

Credits Assigned to: City of Sisters

Preliminary Mitigation

Credit Determination: 0.0 credits or up to 57.8 Mitigation Credits  
May be available for use in the Whychus Creek and  
General Zones of Impact

Contact: Laura Wilke, Phone: (503) 986-0884

Crook County

**Mitigation Project #: MP-158**

Project Applicant: Deschutes River Conservancy Mitigation Bank and Cheryl Parga

Mitigation Project

And Process: Instream Lease Application IL-1178 for Certificate 72314, 65987, 29013, 48122, and 66290 (Also see Instream Lease Section of the June 7, 2011 public notice for application details)

Subbasin/Source: Crooked River Subbasin – Allen Creek and McKay Creek, tributary to the Crooked River

Amount of Water: Proposed Instream: up to 3.5 CFS with a Maximum Seasonal Volume – 764.0 AF

Current Use: Irrigation of 191.0 acres

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

Preliminary Mitigation

Credit Determination: 343.8 Mitigation Credits  
May be available for use in the Crooked River and General Zones of Impact

Contact: Laura Wilke, Phone: (503) 986-0884

## **Notice of POD Change Due to Government Action**

ORS 540.510(6) allows a change in point of diversion in the event that government action results in or creates a reasonable expectation of a change in the surface level of a surface water source that impairs or threatens to impair access to an authorized point of diversion. A water right holder intending to change the point of diversion must provide the Department written notice of the proposed change.

The Department has received notice of a change in point of diversion from the City of Sisters involving 0.2 Cubic Foot per Second (priority date 1885) for municipal use under water right Certificate 67706 that has been affected by the installation of a headgate on Pole Creek Ditch.

The existing point of diversion for this right is located on Pole Creek Ditch in Sec. 19, T 15 S, R 10 E, W.M. The proposed point of diversion is located on Pole Creek at the head of Pole Creek ditch (2 miles upstream from the existing point of diversion) in Sec 35, T 15 S, R 9 E, WM.

On receipt of a notice of a change in point of diversion due to government action, the Department must publish notice within 15 days and issue an order approving or denying the change within 60 days. Individuals wishing to review the notice should contact Laura Wilke in the Water Right Services Division in Salem at 503-986-0884 (file reference T-11301) or [Laura.K.Wilke@wrđ.state.or.us](mailto:Laura.K.Wilke@wrđ.state.or.us). When issuing the order, the Department will consider public comments received prior to **November 2, 2011**.

## Certificate Issuance

Following is a list of certificates that have been recently issued. If you are viewing this electronically then you should be able to view the certificate by clicking on the underlined blue text. Appeal rights are provided on each certificate document.

If under the file number the "App:" abbreviation for application is provided then any person owning an application, permit or water right certificate subsequent in priority to a certificate listed here may file a protest within three months of issuance of the certificate. See Oregon Revised Statutes 537.260. Rules governing protests are in Oregon Administrative Rules Chapter 690 division 002. Any protest must be accompanied by a protest fee of \$600. (ORS 536.050(1)(j)(A)).

<u>File Number</u>	<u>Certificate Number</u>	<u>Basin Number</u>	<u>County</u>	<u>Priority Date</u>	<u>Issue Date</u>	<u>Name</u>
<a href="#">App: G 4677</a>	<a href="#">87235</a>	5	DESC	11/08/1968	09/29/2011	CITY OF BEND
<a href="#">App: R 69729</a>	<a href="#">87233</a>	5	DESC	10/04/1988	09/29/2011	STROEMPLE, GEORGE
<a href="#">App: S 69730</a>	<a href="#">87234</a>	5	DESC	10/04/1988	09/29/2011	STROEMPLE, GEORGE

## **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 November 03, 2011.** 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:

Klamath Irrigation District (Agriculture)  
Klamath Drainage District (Agriculture)

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).

**OREGON  
WATER  
RESOURCES  
DEPARTMENT**



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

**PUBLIC NOTICE OF WATER USE REQUESTS**

October 4, 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 proposed final order and final order are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)