

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

## PUBLIC NOTICE OF WATER USE REQUESTS

October 18, 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.
- \* **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.
- \* **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 "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, November 17, 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, December 02, 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<br>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)

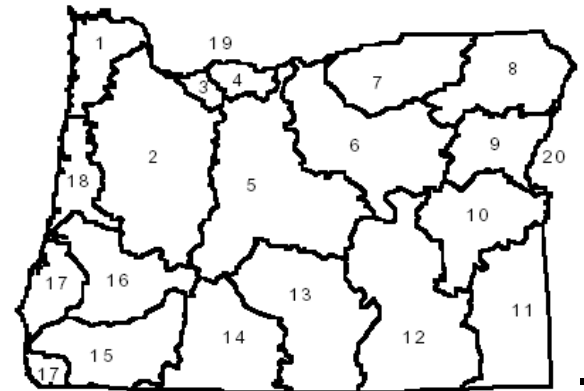
### BASINS:

- |                 |                     |
|-----------------|---------------------|
| 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-17479</a> | K KALUGIN FARMS 10807 DUCK INN RD NE BROOKS, OR 97305 | KALUGIN, KARNILY 10807 DUCK INN RD NE |         |            |              |       | IR 2   |
| 2                       | A WELL > FARMERS CREEK                                | 5.00S 2.00W 35 SWNW                   | Marion  | 07/29/2011 | 0.23C        |       |        |
| Uses: IR                |   |                                       |         |            |              |       |        |
| <a href="#">G-17468</a> | CHOUINARD, ROBERT 45944 HWY 26 DAYVILLE, OR 97825     |                                       |         |            |              |       | PFO 2  |
| 6                       | A WELL > JOHN DAY RIVER                               | 13.00S 27.00E 4 SWNE                  | Grant   | 06/09/2011 | 0.99C        |       |        |
| Uses: IR                |   |                                       |         |            |              |       |        |
| <a href="#">G-17293</a> | CARLTON NURSERY CO. LLC PO BOX 398 DAYTON, OR 97114   |                                       |         |            |              |       | PFO 2  |
| 2                       | A WELL > PALMER CREEK                                 | 5.00S 3.00W 5 NWSW                    | Yamhill | 12/28/2009 | 0.186C (est) |       |        |
| 2                       | A WELL > PALMER CREEK                                 | 5.00S 3.00W 5 SWNW                    | Yamhill | 12/28/2009 | 0.186C (est) |       |        |
| 2                       | A WELL > PALMER CREEK                                 | 5.00S 3.00W 5 SENW                    | Yamhill | 12/28/2009 | 0.186C (est) |       |        |
| Uses: NU PM             |   |                                       |         |            |              |       |        |
| <a href="#">S-87564</a> | CARLTON NURSERY CO. LLC PO BOX 398 DAYTON, OR 97114   |                                       |         |            |              |       | PFO 2  |
| 2                       | PALMER CREEK > YAMHILL RIVER                          | 5.00S 3.00W 8 NWNE                    | Yamhill | 12/28/2009 | 1.0C         |       |        |
| 2                       | A RESERVOIR > PALMER CREEK                            | 5.00S 3.00W 5 NWSW                    | Yamhill | 12/28/2009 | 60.0A        |       |        |
| Uses: NU                |   |                                       |         |            |              |       |        |
| <a href="#">G-17294</a> | CARLTON NURSERY CO. LLC PO BOX 398 DAYTON, OR 97114   |                                       |         |            |              |       | PFO 2  |
| 2                       | A WELL > WARNER CREEK                                 | 5.00S 3.00W 16 NWNW                   | Yamhill | 12/28/2009 | 0.186C (est) |       |        |
| 2                       | A WELL > WARNER CREEK                                 | 5.00S 3.00W 8 SESE                    | Yamhill | 12/28/2009 | 0.186C (est) |       |        |
| 2                       | A WELL > WARNER CREEK                                 | 5.00S 3.00W 8 SESE                    | Yamhill | 12/28/2009 | 0.186C (est) |       |        |
| Uses: NU                |   |                                       |         |            |              |       |        |

## 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-17392</a> | 2     | CLAC   | 06/02/2010 |   | GREGORY CHASCHIN | 9/30/2011  |
| <a href="#">R-87653</a> | 5     | JEFF   | 09/13/2010 |   | ANN INGHAM       | 9/30/2011  |
| <a href="#">R-87724</a> | 16    | DOUG   | 05/19/2011 |   | CLAY DICKERSON   | 9/30/2011  |
| <a href="#">R-87728</a> | 2     | WASH   | 05/27/2011 |   | RICHARD KLEIN    | 9/30/2011  |
| <a href="#">G-17429</a> | 1     | UMAT   | 10/07/2010 | AMERICAN ROCK PRODUCTS INC.                       |                  | 9/30/2011  |
| <a href="#">G-17463</a> | 4     | WASC   | 04/27/2011 |   | BENJAMIN SYNON   | 9/30/2011  |
| <a href="#">R-87686</a> | 13    | HARN   | 01/28/2011 | U.S. BUREAU OF LAND MANAGEMENT; LAKEVIEW DISTRICT |                  | 9/30/2011  |
| <a href="#">G-17417</a> | 10    | MALH   | 08/23/2010 |   | SAM TRENKEL      | 10/6/2011  |
| <a href="#">R-87610</a> | 16    | DOUG   | 05/12/2010 |   | TIMOTHY PALMER   | 10/6/2011  |
| <a href="#">S-87743</a> | 2     | CLAC   | 08/12/2011 |   | MARVIN HAUSMAN   | 10/6/2011  |
| <a href="#">G-16900</a> | 5     | CROO   | 06/27/2007 | CITY OF PRINEVILLE                                |                  | 10/07/2011 |
| <a href="#">G-16882</a> | 2     | LINN   | 06/28/2007 | VICTOR L FLORES SR REVOCABLE TRUST                |                  | 10/13/2011 |
| <a href="#">S-87300</a> | 5     | DESC   | 10/06/2008 |   | KENNETH EMMES    | 10/13/2011 |

## 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 November 01, 2011, 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-1376  
BROWN, LARRY  
5725 BERRY RD  
PARKDALE, OR 97041  
POD: 1 A WELL > E FK HOOD R  
NW 1/4 NW 1/4 Section 30 T 1.00N R 10.00E WM  
Hood River County  
0.066 C for IRRIGATION

LL-1377  
KNIFE RIVER CORPORATION-NW  
EDMUNSON, TOM  
64500 OB RILEY RD  
BEND, OR 97701  
POD: 1 S FORK JOHN DAY R > JOHN DAY R  
SW 1/4 NE 1/4 Section 9 T 17.00S R 27.00E WM  
Grant County  
0.22 C for ROAD CONSTRUCTION

## **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 17, 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-7252 filed by FRANK AND DOROTHY HANNIGAN, 4533 SE 17TH CT., GRESHAM, OR, 97080, proposes a change in place of use under Certificates 10020, 10082, 11418 and 25914. The rights allow the use of a total of 6.5 CUBIC FEET PER SECOND (CFS): being 2.0 CFS (priority date APRIL 3, 1928) from GREENHORN CREEK (tributary to North Fork Burnt River); 1.0 CFS (priority date JULY 5, 1913 and FEBRUARY 1, 1917) from EAST FORK CLEAR CREEK, WEST FORK CLEAR CREEK, DRY GULCH, LITTLE SALMON CREEK and LIGHTNING CREEK (all tributary to John Day River) and BEAR GULCH (tributary to North Fork Burnt River); 1.5 CFS (priority date APRIL 3, 1928) from WEST FORK CLEAR CREEK and EAST FORK CLEAR CREEK (John Day Basin); and 2.0 CFS (priority date 1865) from WEST FORK CLEAR CREEK and EAST FORK CLEAR CREEK, DRY GULCH, SPRING CREEK, SALMON CREEK, LIGHTNING CREEK and OLIVE CREEK (John Day Basin) in Sec. 36, T 9 S, R 34 E, W.M.; Sec. 30, T 9 S, R 35 E, W.M.; Sec. 4, 5, 10, 12 and 13, T 10 S, R 35 E, W.M. and Sec. 14 and 16, T 10 S, R 35.5 E, W.M., for MINING and PLACER MINING PURPOSES in Sec. 14, T 10 S, R 35.5 E, W.M. The applicant proposes to change the place of use to Sec. 10, 15, 16 and 21, T 10 S, R 35.5 E, W.M. The Water Resources Department has concluded that the proposed transfer does not meet the requirements of ORS Chapter 540 and OAR 690-380-5000 because the water rights proposed for transfer have been canceled and therefore are not subject to transfer. The Water Resources Department intends to deny Transfer Application T-7252.

T-7989 filed by Robert & Pamela Zielinski, 17423 River Road NE, Gervais, OR 97026, proposes additional points of appropriation under Certificate 86846. The right allows the use of 0.46 cubic foot per second (priority date Jan. 31, 1994) from a well in Sec. 32, T 5 S, R 2 W, W.M., (Willamette Basin) for irrigation in Sec. 32. The applicant proposes two additional points of appropriation approximately 2200 feet southwest to Well 3, and 2800 feet northwest to Well 5 in Sec. 31, T 5 S, R 2 W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-10570 filed by Wesley and Dianne L. Allison, 535 MORGAN AVENUE, ONTARIO, OR 97914, proposes a change in point of diversion, and place of use under Certificate 51154. The right allows the use of 0.09 CUBIC FOOT PER SECOND (priority date AUGUST 11, 1976) from the OWYHEE RIVER in Sec. 18, T 21 S, R 46 E, W.M. for IRRIGATION in Sec. 31. The applicant proposes to move the point of diversion approximately 2920 feet downstream in Sec. 7, T 22 S, R 45 E, W.M.) and to change the place of use to Sec. 7 and 18, T 18 S, R 47 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.



## **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 17, 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:

Tulelake Irrigation District (Agricultural)  
Shasta View Irrigation District (Agricultural)

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@wrdd.state.or.us](mailto:lisa.j.jaramillo@wrdd.state.or.us).

# **OREGON WATER RESOURCES DEPARTMENT**



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

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

October 18, 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"):

Mail me the order  
(payment enclosed)\*

**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.)