

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
November 15, 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*

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.
- * **Extension of Time Checkpoint Progress Reports filed pursuant to OAR 690-315**
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 690-315 pertains to permit extension applications filed on or after 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.
- * **Certificate Issuance**
Included in this section is a listing of recently issued water right certificates.

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

Permit Application Initial Reviews and Proposed Final Orders

The following pages of this notice list permit applications that the Oregon Water Resources Department is evaluating for compliance with state water laws and regulations. Public participation and comment is encouraged. Opportunities for public involvement vary according to the stage of the permit evaluation.

Ground water permit applications in the Deschutes Basin (basin 5) may seek to provide mitigation pursuant to the Deschutes Ground Water Mitigation Rules by implementing a mitigation project or by obtaining mitigation credits made available by a completed mitigation project. Surface water and/or reservoir permit applications in the Deschutes Basin may be proposed ground water mitigation projects.

Initial Review Stage (IR in the "Stage" column of the permit listing)

The Department has given the applicant the results of an initial review of water use restrictions, water availability and other limits that affect the agency's decision on whether to issue a permit. The applicant has asked the agency to proceed to the next stage of evaluation. The Department welcomes comments from interested persons, agencies and organizations on the proposed water use.

The comment deadline for initial reviews appearing in this public notice is 5pm, Thursday, December 15, 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 30, 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)

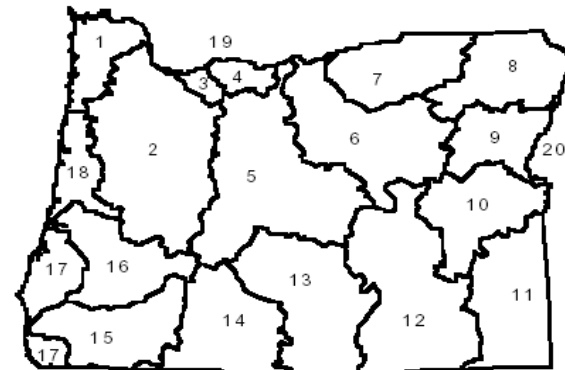
BASINS:

1. North Coast
2. Willamette
3. Sandy
4. Hood
5. Deschutes
6. John Day
7. Umatilla
8. Grande Ronde
9. Powder
10. Malheur

11. Owyhee
12. Malheur L.
13. Goose/Summer L.
14. Klamath
15. Rogue
16. Umpqua
17. S. Coast
18. Mid-Coast
19. Columbia
20. Snake

Commonly used "Type of Use" abbreviations (for definitions, consult Oregon Administrative Rules 690-300):

AG: Agriculture	GR: Groundwater recharge	MU: Municipal
CF,CH,CL, CR: Cranberry uses	GT: Geothermal	NU: Nursery use
CM: Commercial	IC: Irrigation, primary & supplemental	PA: Pollution abatement
CS: Campground	ID: Irrigation with domestic	PW: Power
DI, DN: Domestic including non-commercial lawn & garden	IL: Irrigation with livestock	QM: Quasi-municipal
DO: Domestic	IM: Industrial or manufacturing	RC: Recreation
DS: Domestic & stock	IR: Irrigation	RW: Road construction
FI: Fish	IS: Irrigation, supplemental	ST: Storage
FP: Fire protection	LV: Livestock	SW: Swimming
FW: Fish & wildlife	LW: Livestock & wildlife	TC: Temperature control
GD: Group domestic	MI: Mining	WI: Wildlife



App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status
G-17461							IR 2
2	A WELL > BEAR CREEK	5.00S 1.00E 10 NWSW	Clackamas	04/19/2011	38.3333A		
2	A WELL > BEAR CREEK	5.00S 1.00E 10 NWSW	Clackamas	04/19/2011	38.3333A		
2	A WELL > BEAR CREEK	5.00S 1.00E 10 NWSW	Clackamas	04/19/2011	38.3333A		
Uses: IM IR							
S-87601	MCLELLAN, WINIFRED PO BOX 418 GLIDE, OR 97443						PFO 2
16	NORTH UMPQUA RIVER > UMPQUA RIVER	26.00S 4.00W 13 NWSW	Douglas	08/04/2010	0.01C		
Uses: DN							
G-17466	ROTH, PAUL 8004 LARDON RD NE SALEM, OR 97305						PFO 2
2	A WELL > LITTLE PUDDING RIVER	7.00S 2.00W 14 NWNW	Marion	05/24/2011	0.15C		
Uses: IR							
R-73873	U.S. BUREAU OF LAND MANAGEMENT 777 NW GARDEN VALLEY BLVD ROSEBURG, Missing State 97471						PFO 3
16	SOUTH MYRTLE CREEK > MYRTLE CREEK	29.00S 2.00W 4 NWSW	Douglas	01/03/1993	12.25A		
Uses: FM							

Permit Application Final Orders

Following is a list of applications that have had final orders issued recently. If you would like a copy of any of the final orders, you may send a request with \$20.00 for each final order to the Water Rights Section, Oregon Water Resources Department, 725 Summer Street NE Ste A, Salem OR 97301. If you have any questions, please contact the Department's customer service staff by dialing 503-986-0801.

Application	Basin	County	Priority	Company	Name	FO Date
G-17145	2	POLK	11/20/2008		HAROLD UNDERWOOD	11/03/2011
G-17211	13	LAKE	05/07/2009	J R SIMPLOT SELF DECLARATION OF REVOCABLE TRUST	RONALD GRAVES	11/03/2011
G-17437	4	WASC	11/15/2010		JENNIFER MILLER	11/03/2011
G-17443	5	DESC	12/16/2010		DAVID ROTH	11/03/2011
G-17449	5	DESC	01/18/2011	OREGON DEPARTMENT OF STATE LANDS		11/03/2011
R-87668	5	WASC	11/17/2010		CLAUD MARVIN DAVI	11/03/2011
G-17400	6	GRAN	06/21/2010		RICK HENSLEE	11/10/2011
R-87268	15	JOSE	09/18/2008		JERALINE FUHRMEIS	11/10/2011
R-87325	6	WHEE	10/30/2008		JUNE WAGGONER	11/10/2011

Extensions of Time Progress
Checkpoint Progress Reports filed pursuant to OAR 690-315

Consistent with OAR 690-315-0050(6), the Department will accept public comment on the following Extension of time Checkpoint Progress Reports until December 15, 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 PRINEVILLE
APPLICATION NUMBER: G-13280 PERMIT NUMBER: G-13280
CROOK COUNTY
A WELL IN CROOKED RIVER BASIN
DOMESTIC USE, INCLUDING IRRIGATION OF UP TO 1/2 ACRE FOR EACH OF
44 HOUSEHOLDS

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 December 06, 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: Polk

Instream Lease Number: IL 473

Lessor: ATHERTON, MIKE
5130 WAYMIRE RD
DALLAS, OR 97338
Contact: KODY THURGOOD at 503-986-0892

Reach: FROM PODS TO MOUTH OF LITTLE LUCKIAMUTE RIVER

Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to	Acres
30893	CR SP S 19042	11/04/1949	IR	0.01	1.25	LITTLE LUCKIAMUTE RIVER	LUCKIAMUTE RIVER	0.5

Reach: FROM PODS TO MOUTH OF LITTLE LUCKIAMUTE RIVER

Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to	Acres
16907	OR * S 16238	03/22/1945	IR	0.02	3.0	LITTLE LUCKIAMUTE RIVER	LUCKIAMUTE RIVER	1.2

County: Gilliam

Instream Lease Number: IL 839

Lessor: CCJC, LLC
ALICE W. AND RICHARD E. HARPER
P.O. BOX 8
IONE, OR 97843
Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD #1 TO THE MOUTH OF ROCK CREEK

Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to	Acres
83288	OR * S 39171	09/25/1975	IR	0.76	121.6	ROCK CREEK	JOHN DAY RIVER	30.4

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 December 15, 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: MORROW
Transfer: 11313
Water Right: CERT 64437
Priority Date: SEPTEMBER 21, 1981
Name: DUANE NEIFFER
Address: 67795 MCNAB LANE, IONE OR 97843
Change: POU
Source: A WELL

County: MORROW
Transfer: 11314
Water Right: CERT 184
Priority Date: DECEMBER 31, 1890
Name: DUANE NEIFFER
Address: 67795 MCNAB LANE, IONE, OR 97843
Change: POU
Source: WILLOW CREEK

County: JOSEPHINE
Transfer: 11315
Water Right: CERT 64421
Priority Date: DECEMBER 31, 1903
Name: WHITEHORSE RANCH LLC
Address: 57735 WHITEHORSE RANCH LN, FIELDS, OR 97710
Change: POU, USE
Source: WHITEHORSE CREEK

Transfer Preliminary Determinations

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

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

Any person may protest the application and preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-0900, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant and \$300.00 protest fee for applicant. A Water Right Transfer Protest Form is available at <http://www.oregon.gov/OWRD/PUBS/forms.shtml> or by calling 503-986-0888. Protests must be received by the Department on or before December 15, 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-10934 filed by Helen Davidson, P.O. Box 424, Monument, OR 97864, proposes points of diversion for portions of two existing water rights. Certificate 24925 allows the use of one-fortieth of one cfs (priority date 1906) from a diversion on Cottonwood Creek for irrigation in Sec. 19, T9S, R28E, W.M. Certificate 48411 allows the use of 0.57 cfs (priority date August 5, 1909) also from the same point of diversion on Cottonwood Creek, a tributary to the John Day River, located in Sec. 30, T9S, R28E, W.M., for irrigation in Sections 18 and 19. The applicant proposes to add three new points of diversion downstream approximately 3,000 feet to proposed POD 3, 5,000 feet to proposed POD 2, both in Sec. 19, and 9,000 feet to proposed POD 1 in Sec. 18. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540, OAR 690-380-2110 and 690-380-5000.

T-11289 filed by Danny M. Cook, PO Box 725, Selma, OR 97538, proposes a change in point of diversion under Certificate 46193. The right allows the use of 0.066 cubic foot per second (priority date March 13, 1920) from Draper Creek in Sec. 1, T 38 S, R 8 W, W.M for irrigation within Sec. 1. The applicant proposes to move the point of diversion approximately 1400 feet downstream within Sec. 1. 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.

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)).

File Number	Certificate Number	Basin Number	County	Priority Date	Issue Date	Name
App: G 12518	87222	14	KLAM	05/06/1991	11/14/2011	WELLS, C JOHN
App: G 12656	87240	2	CLAC	09/17/1991	11/14/2011	PRESTON, CHRISTIANE
App: G 12814	87223	14	KLAM	03/09/1992	11/14/2011	MANNING, ROBERT
App: G 2109	87215	12	HARN	08/29/1961	11/14/2011	WHITING AND SON
App: R 71507	87218	16	DOUG	04/02/1991	11/14/2011	U.S. BUREAU OF LAND MANAGEMENT
App: R 80592	87221	16	DOUG	08/24/1995	11/14/2011	U.S. BUREAU OF LAND MANAGEMENT
App: S 73352	87237	15	JACK	04/22/1993	11/14/2011	KINCAID, MICHAEL J. KINCAID, JOAN M.
Xfer: T 6613	87216	16	DOUG	05/18/1973	11/14/2011	HANEK, GORDON GRIFFEN, JOHN W. GRIFFEN, KATHERINE L.
Xfer: T 6613	87217	16	DOUG	01/19/1977	11/14/2011	HANEK, GORDON GRIFFEN, JOHN W. GRIFFEN, KATHERINE L.

OREGON WATER RESOURCES DEPARTMENT



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

PUBLIC NOTICE OF WATER USE REQUESTS

November 15, 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.)