

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
December 13, 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.
- * **Alternate Reservoir Applications (ORS 537.409)**
Applications for storage permits for small ponds filed under a simplified review process.
- * **Expedited Secondary Applications to Use Stored Water**
Applications to use stored water exclusively, filed under a simplified review process.
- * **Applications for Extensions of Time to Perfect Water Right Permits**
New applications received and proposed final orders regarding requests to extend time limits to fully develop water use projects and beneficially apply water.
- * **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 "Kim.R.French-Gorski@wrd.state.or.us".

Permit Application Initial Reviews and Proposed Final Orders

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

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

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

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

The comment deadline for initial reviews appearing in this public notice is 5pm, Thursday, January 12, 2012. Although we cannot respond individually to all comments, each will be considered as the agency makes its permit decision.

Proposed Final Order Stage (PFO in the "Stage" column of the permit listing)

The proposed final order is the Department's preliminary decision on the water use request. It will indicate how the comments received on the application in the first stage were considered. The PFO documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use. Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$20. (Any person paying \$20 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem Office or at the district watermaster office nearest the proposed use. Those disagreeing with the Department's decision as expressed in the PFO have 45 days to file a protest.

The protest deadline for proposed final orders appearing in this public notice is 5pm, Friday, January 27, 2012.

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)

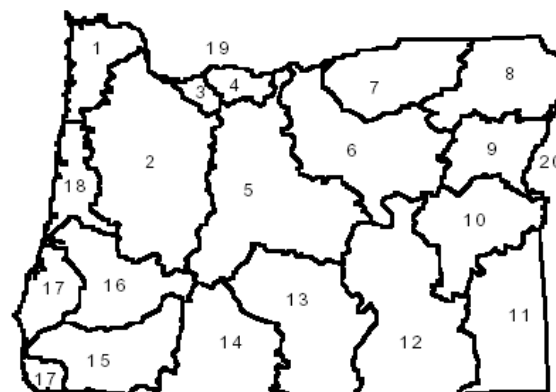
BASINS:

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

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 of Use" abbreviations (for definitions, consult Oregon



App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status
G-17492	BINGAMAN, GREG 64088 MCDONALD LANE LA GRANDE, OR 97850						IR 2
8	A WELL > GRANDE RONDE RIVER	1.00S 39.00E 30 SESE	Union	10/11/2011	2.23C		
Uses: IR							
G-17408	WARNER RANCH LLC 91336 WATER USER LANE LAKEVIEW, OR 97630 WARNER, SCOTT K. 91336 WATER USER						PFO 3
13	A WELL > MILL CREEK	40.00S 19.00E 33 SWSW	Lake	07/29/2010	3.342C		
Uses: IR							
G-17456	ORLANDO, JOHN 12735 NW SKYLINE BLVD PORTLAND, OR 97231						PFO 2
2	A WELL > ROCK CREEK	2.00N 2.00W 36 NESE	Multnomah	03/30/2011	0.03C		
Uses: IR							
G-16955	BRONSON, JASON 915 SW RIMROCK WAY 201-402 REDMOND, OR 97756						PFO 3
5	A WELL > ANTELOPE CREEK	16.00S 17.00E 17 NWSW	Crook	11/05/2007	0.5C (est)		
5	A WELL > ANTELOPE CREEK	16.00S 17.00E 17 SENW	Crook	11/05/2007	0.5C (est)		
Uses: QM							

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-87744	16	DOUG	08/15/2011		DAVID QUESADA	12/01/2011
G-17166	2	LANE	01/20/2009	LONG HAUL TIMBER AND CATTLE LLC		12/07/2011
R-87705	2	MARI	03/09/2011		JOEL RUE	12/07/2011
S-86294	16	DOUG	05/04/2005		DALLAS AMER	12/08/2011

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 February 11, 2012.

R-87770

SMITH, MICHAEL

45151 MCKENZIE HWY

LEABURG, OR 97489

POD: 1 A SPRING > MCKENZIE RIVER

NW 1/4 SE 1/4 Section 29T 16.00S R 2.00E WM

Lane County

0.14 AF for MULTIPLE PURPOSE (est.)

POD: 2 RUNOFF > MCKENZIE RIVER

NW 1/4 SE 1/4 Section 29T 16.00S R 2.00E WM

Lane County

0.14 AF for MULTIPLE PURPOSE (est.)

Expedited Secondary Applications Under HB 2178 (2005)

For expedited secondary applications to use exclusively stored water filed under HB 2178, the public is invited to comment within 30 days of this notice, by **January 12, 2012**. The expedited secondary applications listed below have been filed recently. Any person may raise public interest issues regarding these applications. If public interest issues are raised, the Department may move the application to the standard process and review the application pursuant to ORS 537.153, and issue a Proposed Final Order. If no public issues are raised, the Department may issue a final order and permit without further prior notice.

Comments must identify the specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected by the proposed use, and specifically how the identified public interest would be affected.

POD 1 is the location of the stored water. POD 2 and any additional points are the rediversion point(s).

S-87772
HECOX, DOUGLAS
620 E C ST
JACKSONVILLE, OR 97530
POD: 1 APPLEGATE RESERVOIR > APPLEGATE RIVER
SE 1/4 SE 1/4 Section 25T 40.00S R 4.00W WM
Jackson County
40.5 AF for IRRIGATION (est.)

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 January 27, 2012. 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:	Curry
Application File Number:	S-73065
Permit Number:	S-53103
Applicant:	LEA, JUDITH & WILLIAM
Address:	PO BOX 6699 BROOKINGS, OR 97415
River Basin:	South Coast Basin
Water Source:	UNNAMED STREAM > WINCHUCK RIVER A SPRING > WINCHUCK RIVER
Authorized Use of Water:	LIVESTOCK, DOMESTIC AND IRRIGATION ON 5.40 Acres
Maximum Diversion/ Appropriation Rate:	0.028 CFS

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2005 to October 1, 2015; and grant an extension of time to apply water to full beneficial use from October 1, 2005 to October 1, 2015

County of Use:	Yamhill
Application File Number:	G-13868
Permit Number:	G-13083
Applicant:	STOLLER, WILLIAM H
Address:	15505 NE STOLLER RD DAYTON, OR 97114
River Basin:	Willamette Basin
Water Source:	SEVEN WELLS > YAMHILL RIVER
Authorized Use of Water:	INDUSTRIAL USES AND IRRIGATION ON 349.200 Acres
Maximum Diversion/ Appropriation Rate:	0.579 CFS

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2011 to October 1, 2021; and grant an extension of time to apply water to full beneficial use from October 1, 2011 to October 1, 2021

County of Use: Yamhill
Application File Number: S-86426
Permit Number: S-54301
Applicant: DUKES, PATRICK
Address: PO BOX 99
AMITY, OR 97101
River Basin: Willamette Basin
Water Source: A RESERVOIR, AN UNNAMED STREAM AND RUNOFF > ASH SWALE
Authorized Use of Water: IRRIGATION ON 57.90 Acres
Maximum Diversion/
Appropriation Rate: 0.724 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, 2016.

Applications for Instream Lease

ORS 537.348 authorizes a water right holder to lease their existing water right(s) to instream use for a limited time. For the term of the lease, the water right holder agrees to suspend use of water under the original right. The state is the trustee for water rights leased for instream use. OAR 690-077-0077 requires that the Department public notice the lease applications.

The deadline for submitting claims of injury to existing water rights or enlargement of the original right against a lease application is January 03, 2012. 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: Wasco

Instream Lease Number: IL 1193

** Lessor **

NEAL, RICHARD E.
4820 DAVIS CUTOFF ROAD
THE DALLES, OR 97058

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD TO THE MOUTH OF EIGHTMILE CREEK

Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to	Acres
Cert:3506 OR *	S 4521	3/9/1920	IS	0.1	11.76	TWO SPRINGS	EIGHTMILE CREEK	3.92

Reach: FROM POD TO THE MOUTH OF EIGHTMILE CREEK

Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to	Acres
Cert:5136 OR *	S 5315	12/29/1921	IR	0.08	16.95	EIGHTMILE CREEK	FIFTEENMILE CREEK	5.65

Reach: FROM THE POD TO THE MOUTH OF EIGHTMILE CREEK

Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to	Acres
Cert:5645 OR *		12/31/1885	IR	0.19	44.9	EIGHTMILE CREEK	FIFTEENMILE CREEK	14.98

County: Jackson

Instream Lease Number: IL 1194

** Lessor **

NEARY, GEORGE
HENDRIKA NEARY, TRUSTEES
C/O CLEMENT J KONG, ESQ
2430 J STREET
SACRAMENTO, CA 95816

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM THE POD TO THE MOUTH OF THE ROGUE RIVER

Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to	Acres
Cert:87286	CF CR * S 23796	7/28/1955	IR	1.15	414.45	ROGUE RIVER	PACIFIC OCEAN	92.1

Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before January 12, 2012. 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: LAKE
Transfer: 11322
Water Right: CERT 56502, 55099, 76038, 81489, 55100
Priority Date: 1954, 1979, 1974, 1981, 1980
Name: POPLARS RANCH, INC.
Address: 59234 FORT ROCK RD, SILVER LAKE OR 97638
Change: POU, POA
Source: NINE WELLS

County: LINCOLN
Transfer: 11323
Water Right: CERT 1012
Priority Date: MAY 10, 1909
Name: CITY OF NEWPORT
Address: 169 SW COAST HWY, NEWPORT OR 97365
Change: POD
Source: BLATTNER CREEK

County: DESCHUTES
Transfer: 11324
Water Right: PERMIT G 9284
Priority Date: MARCH 11, 1981
Name: AVION WATER COMPANY
Address: 60813 PARRELL RD, BEND OR 97702
Change: APOA
Source: ONE WELL

County: TILLAMOOK
Transfer: 11325
Water Right: CERT 82602
Priority Date: OCTOBER 13, 1981
Name: BEAVER WATER DISTRICT
Address: PO BOX 306, BEAVER OR 97112
Change: POU
Source: BEAVER 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 January 12, 2012, 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-10845 filed by Deschutes River Conservancy (PO Box 1560, Bend, OR 97709) and Central Oregon Irrigation District (1055 SW Lake Court, Redmond, OR 97756), proposes a change in place of use and a change in character of use under Certificate 83571. The right allows the use of up to 2.977 Cubic Feet per Second (CFS) (priority dates of October 31, 1900 and December 2, 1907) from a diversion (COID North Canal) on the Deschutes River in Sec. 29, T 17 S, R 12 E, W.M. for Irrigation in Sec. 14, T14S, R13E, Sec. 3, 4, 5, 9, and 10, T15S, R13E, and Sec. 14, T16S, R12E, W.M. and Pond Maintenance in Sec. 8 and 9, T15S, R13E, W.M. The applicant proposes to create an instream use in the Deschutes River (from the COID North Canal to the mouth of the Deschutes River), at a maximum of 1.641 CFS, and to establish mitigation credits in the Deschutes Groundwater Study Area. The applicants also propose cancellation of a portion of supplemental right under Certificate 76714. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540, OAR 690-380-5000, and OAR 690-077-0075. The Department has also concluded that the proposed transfer appears to result in mitigation credits pursuant to OAR 690-521-0300 & OAR 690-521-0400.

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	Basin Number	County	Priority Date	Issue Date	Name
Xfer: T 11183 Cert#-87309	5	DESC	02/19/1980	11/29/2011	MOORE, TERRY AND RUTH
Xfer: T 8901 Cert#-87293	7	MORR	03/26/1956	11/29/2011	AYLETT, JEDEDIAH W.
Xfer: T 8901 Cert#-87292	7	MORR	02/04/1965	11/29/2011	AYLETT, JEDEDIAH W.
Xfer: T 8901 Cert#-87299	7	MORR	03/26/1956	11/29/2011	AYLETT, JEDEDIAH W.
Xfer: T 8901 Cert#-87294	7	MORR	12/15/1952	11/29/2011	AYLETT, JEDEDIAH W.
Xfer: T 8901 Cert#-87295	7	MORR	11/01/1950	11/29/2011	AYLETT, JEDEDIAH W.
Xfer: T 8901 Cert#-87298	7	MORR	11/01/1950	11/29/2011	AYLETT, JEDEDIAH W.
Xfer: T 8901 Cert#-87296	7	MORR	05/02/1955	11/29/2011	AYLETT, JEDEDIAH W.
Xfer: T 8901 Cert#-87297	7	MORR	11/16/1971	11/29/2011	AYLETT, JEDEDIAH W.
Xfer: T 8901 Cert#-87300	7	MORR	02/04/1965	11/29/2011	AYLETT, JEDEDIAH W.
Xfer: T 8910 Cert#-87291	7	UMAT	02/20/1974	11/29/2011	FEWEL, SCOTT

OREGON WATER RESOURCES DEPARTMENT



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

PUBLIC NOTICE OF WATER USE REQUESTS

December 13, 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.)