

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
December 20, 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.
- * **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.
- * **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.
- * **District Permanent Transfers (ORS 540.580)**
Petitions requesting transfers in place of use within a district's boundaries.
- * **Certificate Issuance**
Included in this section is a listing of recently issued water right certificates.
- * **Hydroelectric Conversion**
Proposed Final Order Conversion of Powerdale Hydroelectric Right to an Instream Water Right on Hood River

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 19, 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, February 03, 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:

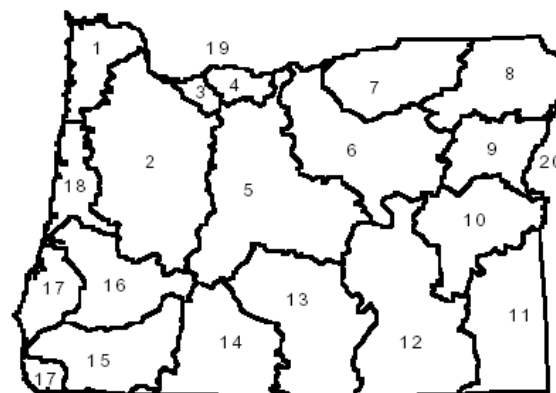
- * Basin number (see map below right)
 - * Source > what it flows into
(in the case of wells, this describes the basin in which the well is located)
 - * General legal description
 - * County & Priority date
 - * Amount
 - * Unit of measure:
 - C: cubic feet per second
 - G: gallons per minute
 - A: 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

(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 of Use" abbreviations



App#	Basin	Source	Township/Range	County	Priority	Quantity	Stage	Status
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R-87763	DAVIS, IRL M. PO BOX 188 TYGH VALLEY, OR 97063							IR	3
5	A SPRING > BUTLER CANYON	3.00S	13.00E	33	NESW	Wasco	11/03/2011	0.5A	
5	A SPRING > WHITE RIVER	3.00S	13.00E	26	SESE	Wasco	11/03/2011	9.0A	
5	A SPRING > WHITE RIVER	3.00S	13.00E	35	SESW	Wasco	11/03/2011	0.5A	
Uses: MP									
G-17499	JOHNSON, MARY E. PO BOX 578 CORNELL, WA 99326							IR	2
7	A WELL > HERMISTON DRAIN	4.00N	28.00E	1	SENW	Umatilla	10/21/2011	0.028C	
Uses: IR									
G-17501	BROWN, DAN PO BOX 4 RILEY, OR 97758							IR	2
12	A WELL > CHICKAHOMINY CREEK	23.00S	27.00E	30	SESE	Harney	11/04/2011	1.0C	
Uses: IR IS									
G-17500	BROCK AND PHILLIP OBENDORF FARMS LLC 26538 SAND RD PARMA, ID 83660 OBENDORF, BROCK 26538 SA							IR	3
11	A WELL > SHEEP CREEK	30.00S	46.00E	15	NENW	Malheur	11/03/2011	3.333C (est)	
11	A WELL > SHEEP CREEK	30.00S	46.00E	15	SESE	Malheur	11/03/2011	3.333C (est)	
11	A WELL > SHEEP CREEK	30.00S	46.00E	10	SWSW	Malheur	11/03/2011	3.333C (est)	
Uses: IR IS									
S-87762	ELIAS, PAUL PO BOX 638 MCMINNVILLE, OR 97128 ELLIS, CHRISTY PO BOX 339 416 FERRY ST DAYTON,							IR	2
2	WILLAMETTE RIVER > COLUMBIA RIVER	4.00S	3.00W	27	NWNE	Yamhill	11/02/2011	44.18C	
Uses: MU									
R-87683	JANZEN, BETTY M. 20555 SE WEBFOOT RD DAYTON, OR 97114 JANZEN, ROBERT L. 20555 SE WEBFOOT RD							PFO	2
2	UNNAMED STREAM > PALMER CREEK	5.00S	3.00W	20	SWNE	Yamhill	01/21/2011	35.34A	
Uses: AS FP LV ST WI									
G-17473	FOXGLOVE PROPERTIES LLP 6555 NE HILLTOP LANE DAYTON, OR 97114							PFO	2
2	A WELL > HESS CREEK	3.00S	3.00W	34	NWSW	Yamhill	06/21/2011	0.115C	
2	A WELL > HESS CREEK	3.00S	3.00W	33	SENW	Yamhill	06/21/2011	0.115C	
Uses: IR									

App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status
G-17434	KREGGER FARMING ENTERPRISES LLC	17232 STATELINE RD TOUCHET, WA	99360				PFO 2
7	A WELL > RAYMOND GULCH	6.00N 33.00E 14 SWSE	Umatilla	11/01/2010	1.11C		
7	A WELL > RAYMOND GULCH	6.00N 33.00E 15 SESE	Umatilla	11/01/2010	1.11C		

Uses: IR

Permit Application Final Orders

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

Application	Basin	County	Priority	Company	Name	FO Date
S-86294	16	DOUG	05/04/2005		DALLAS AMER	12/08/2011
G-16099	2	CLAC	09/29/2003		ED KRAEMER	12/15/2011
R-87708	2	CLAC	03/23/2011		AL JUBITZ	12/15/2011
S-87736	12	HARN	07/07/2011		JOHN ATKINSON	12/15/2011

**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 January 19, 2012. 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: G-16289
Permit Number: G-15950
KOCH, STEVE
27815 S ELISHA
CANBY, OR 97013
Clackamas County
FOUR WELLS > DOVE CREEK
1.67 CFS (est)
NURSERY USES ON 93.7 ACRES
OCTOBER 1, 2018

Application Number: G-16397
Permit Number: G-16024
WEICHEL, ERWIN
2959 SW SCHAEFFER RD
WEST LINN, OR 97068
Clackamas County
A WELL > DOANE CREEK
0.334 CFS
NURSERY USES
OCTOBER 1, 2015

Application Number: G-14668
Permit Number: G-13614
SPACE AGE FUEL INC.
PLISKA, JIM
PO BOX 607
GRESHAM, OR 97030
Umatilla County
TWO WELLS > UMATILLA RIVER
0.12 CFS
COMMERCIAL USES AND IRRIGATION
October 1, 2016

Application Number: G-13770
Permit Number: G-12722
FRIDAY FARMS INC.
PO BOX 1384
BANDON, OR 97411
Coos County
TWO WELLS > COQUILLE RIVER
0.2 CFS
CRANBERRY OPERATIONS ON 17.0 ACRES
October 1, 2016

Application Number: G-13512
Permit Number: G-12525
SULLIVAN Z RANCH
26151 HWY 245
HEREFORD, OR 97837
Baker County
TWO WELLS > REEDS CREEK
1.0 CFS
MINING
OCTOBER 1, 2014

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 February 03, 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:	Jackson
Application File Number:	S-75215
Permit Number:	S-53596
Applicant:	HALPIN, RICHARD
Address:	7159 CROWFOOT RD TRAIL, OR 97541
River Basin:	Rogue Basin
Water Source:	LOST CREEK RESERVOIR > ROGUE RIVER
Authorized Use of Water:	SUPPLEMENTAL IRRIGATION ON 23.1 Acres
Maximum Diversion/ Appropriation Rate:	46.4 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, 2012.

County of Use:	Wasco
Application File Number:	R-86338
Permit Number:	R-14467
Applicant:	MCALLISTER RANCH
Address:	80455 ROSS RD TYGH VALLEY, OR 97063
River Basin:	Deschutes Basin
Water Source:	PINE HOLLOW > THREEMILE CREEK
Authorized Use of Water:	MULTIPLE PURPOSE
Maximum Diversion/ Appropriation Rate:	180 AF

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2011 to October 1, 2013.

County of Use: Wasco
Application File Number: G-13051
Permit Number: G-15546
Applicant: HAWKINS, CHARLOTTE E. AND WILLIAM R.
Address: PO BOX 187
TYGH VALLEY, OR 97063
River Basin: Deschutes Basin
Water Source: A WELL > WHITE RIVER
Authorized Use of Water: IRRIGATION ON 4.5 Acres
Maximum Diversion/
Appropriation Rate: 0.056 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2008 to October 1, 2012.

County of Use: Marion
Application File Number: G-16370
Permit Number: G-16216
Applicant: CAMERON, GARY
Address: 6442 SCISM RD NE
SILVERTON, OR 97381
River Basin: Willamette Basin
Water Source: A WELL > PUDDING RIVER
Authorized Use of Water: NURSERY USES ON 16.0 Acres
Maximum Diversion/
Appropriation Rate: 0.67 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2011 to October 1, 2016.

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.

Licenseses must maintain a record of how much water they are using (ORS 537.143). **The Department may approve a license after January 03, 2012, 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-1381
NEBMAIER, WOLFGANG
PO BOX 317
WOLF CREEK, OR 97497
POD: 1 UNN STR > SHANKS CR
SE 1/4 NE 1/4 Section 17T 34.00S R 5.00W WM
Josephine County
0.01 C for DOMESTIC

District Permanent Transfers (ORS 540.580)

A district may request to permanently change the place of use within district boundaries. A district may provide notice to the Department of a change before it is made, and shall submit a district permanent application prior to the end of the calendar year in which the change occurs. The Department shall approve the transfer application provided it does not cause injury to existing water rights or expand the water use. The final order approving the permanent transfer is subject to protest.

This public notice also includes district notices of proposed changes. The Department will accept comments on injury and enlargement of changes in place of use associated with the notice and use those comments in the review of the proposed change.

The Department seeks public comment on recently filed district transfer applications listed below. The deadline for comments or protests to the transfer application must be received by the Department on or before January 19, 2012. The Department will hold a contested case hearing if: 1) a protest and \$600 protest fee for non-applicant and \$300.00 protest fee for applicant are received within the time allowed; or 2) the Department finds a hearing is needed to determine whether the proposed changes would result in injury to existing rights. (If a water user believes that a proposed change could injure a water delivery within a district's boundaries, the matter will be resolved directly between the district and the water user.)

County: UMATILLA
Transfer: 11326
Water Right: DECREE VOL:3 PAGE:127
Priority Date: 1894, 1904, 1905
Name: HERMISTON IRRIGATION DISTRICT
Address: 366 E HURLBURT AVE, HERMISTON, OR 97838
Change: POU
Source: UMATILLA RIVER

County: JACKSON
Transfer: 11327
Water Right: CERT 75429
Priority Date: APRIL 21, 1915
Name: EAGLE POINT IRRIGATION DISTRICT
Address: PO BOX 157, EAGLE POINT OR 97524
Change: POU
Source: BIG BUTTE CREEK

County: UMATILLA
Transfer: 11328
Water Right: CERT 76715, 79439, 82441, 81752
Priority Date: 1903, 1924, 1983, 1968
Name: WESTLAND IRRIGATION DISTRICT
Address: PO BOX 944, HERMISTON, OR 97838

Change: POU
Source: UMATILLA RIVER, TWO WELLS

County: DESCHUTES
Transfer: 11329
Water Right: CERT 74146, 74147, 76106, 83571, 74148, 74149,
76520, 76714
Priority Date: 1913, 1900, 1961, 1911, 1905, 1961, 1913
Name: TUMALO IRRIGATION DISTRICT
Address: 64697 COOK AVE, BEND OR 97701
Change: POU
Source: TUMALO CREEK, DESCHUTES RIVER, CRESCENT LAKE
RESERVOIR

County: UMATILLA
Transfer: 11330
Water Right: CERT 76715, 79439
Priority Date: 1903, 1924
Name: WESTLAND IRRIGATION DISTRICT
Address: PO BOX 416, STANFIELD OR 97875
Change: POU
Source: UMATILLA RIVER

County: JACKSON
Notice of District
Permanent Transfer: NOTICE #11-08
Certificate: 85288, 85876, 85877, 80575, 80576, 83729
Priority Date: 1909, 1910, 1913, 1915, 1953
Name: ROGUE RIVER VALLEY IRRIGATION DISTRICT
Address: 3139 MERRIMAN ROAD, MEDFORD, OR 97501
Change: POU
Source: NORTH FORK LITTLE BUTTE CREEK, SOUTH FORK
LITTLE BUTTE CREEK, FOURMILE LAKE, FISH LAKE, ANTELOPE CREEK, BEAR
CREEK, AGATE RESERVOIR, EMIGRANT CREEK, CONDE CREEK, DEAD INDIAN
CREEK, DALEY CREEK, BEAVER DAM CREEK, POLE BRIDGE CREEK, DEAKWOOD
CREEK, KEENE CREEK, GRIZZLEY CREEK, SODA CREEK, LITTLE BEAVER
CREEK
Acres: 2.20 ACRES
Authorized POU: T37S R02W 04
Proposed POU: T37S R02W 02

County: DESCHUTES
Notice of District
Permanent Transfer: T-2011-015
Certificate: 83571, 76714
Priority Date: 1900, 1907, 1913
Name: CENTRAL OREGON IRRIGATION DISTRICT
Address: 1055 SW LAKE COURT, REDMOND, OR 97756
Change: POU
Source: DESCHUTES RIVER
Acres: 4.5
Authorized POU: T17S R13E 30
Proposed POU: T17S R13E 30

County: DESCHUTES
Notice of District
Permanent Transfer: T-2011-016
Certificate: 83571, 76714
Priority Date: 1900, 1907, 1913
Name: CENTRAL OREGON IRRIGATION DISTRICT
Address: 1055 SW LAKE COURT, REDMOND, OR 97756
Change: POU
Source: DESCHUTES RIVER
Acres: 1.35
Authorized POU: T17S R13E 18
Proposed POU: T17S R13E 18

County: DESCHUTES
Notice of District
Permanent Transfer: T-2011-017
Certificate: 83571, 76714
Priority Date: 1900, 1907, 1913
Name: CENTRAL OREGON IRRIGATION DISTRICT
Address: 1055 SW LAKE COURT, REDMOND, OR 97756
Change: POU
Source: DESCHUTES RIVER
Acres: 1.70
Authorized POU: T15S R14E 27; T17S R12E 36
Proposed POU: T17S R12E 36

County: DESCHUTES
Notice of District
Permanent Transfer: T-2011-019
Certificate: 83571, 76714
Priority Date: 1900, 1907, 1913
Name: CENTRAL OREGON IRRIGATION DISTRICT
Address: 1055 SW LAKE COURT, REDMOND, OR 97756
Change: POU
Source: DESCHUTES RIVER
Acres: 65
Authorized POU: T16S R14E 10
Proposed POU: T14S R14E 25; T14S R15E 30

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
App: G 13853 Cert#-87310	13	LAKE	10/17/1994	11/29/2011	PARMELEE, PERRY
App: S 68565 Cert#-87289	15	JOSE	04/02/1986	12/16/2011	SOLOFRA, JANE E.
App: S 69061 Cert#-87288	15	JOSE	04/20/1987	12/16/2011	MCALEAVEY, JOSEPH J.
App: S 70547 Cert#-87272	16	DOUG	08/10/1990	12/16/2011	MCGEEHON, JAMES R.
App: S 71353 Cert#-87273	13	LAKE	03/12/1991	12/16/2011	ELDER, JAMES R. ELDER, MARY DIANE
App: S 73194 Cert#-87271	7	MORR	01/27/1992	12/16/2011	SCHNELL, WAYNE H. SCHNELL, MARLENE L.
Xfer: T 7438 Cert#-87311	6	GRAN	11/07/1986	11/29/2011	CLYDE HOLLIDAY FAMILY RANCHES INC.
Xfer: T 7750 Cert#-87343	5	DESC	09/09/1953	12/16/2011	PINE MEADOWS RANCH INC.
Xfer: T 8792 Cert#-87315	2	LANE	05/21/1947	12/16/2011	INTERNATIONAL PAPER CO.

Proposed Final Order
Conversion of Powerdale Hydroelectric Right
To an Instream Water Right on Hood River

Comments on this proposed final order to convert hydroelectric use under Water Right Certificate 46965 to an instream right are requested from interested citizens, organizations, governmental entities, and other parties.

The proposed final order and draft certificate may be viewed at the Water Resources Department, 725 Summer Street NE, Salem, Oregon 97301.

Conversion of Hydroelectric use to instream water right on Hood River

Certificate #: 46965
Amount of water: 140 cubic feet per second (priority date - 1901)
360 cubic feet per second (priority date - 1911)
Source of water: Hood River
Location: former Powerdale Dam site: SE ¼ SE ¼ Section 11, Township 2 North, Range 10 East, W.M.

Any person may protest this proposed order and request a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes Chapter 183 by filing a protest and request for hearing by **February 3, 2012**. A protest must be in writing and accompanied by a fee of **\$600**. ORS 536.050(1)(j).

A protest must contain a detailed statement of:

- (a) Facts sufficient to show that the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
- (b) The specific relief or action requested;
- (c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and
- (d) Citation of legal authority or basis for the claim or relief asserted or requested.

Any person who supports the proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order.

The request for standing must be in writing, signed by the requester, and include the following:

- (a) The requester's name, mailing address and telephone number;
- (b) If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- (c) A statement that the requester supports the proposed final order as issued;
- (d) A detailed statement of how the requester would be harmed if the proposed final order is modified; and
- (e) The **\$150** fee established under ORS 536.050.

Any person who has filed a request for standing may later file a petition for participation as a party or limited party in any contested case hearing subsequently held on the matter for which standing was requested, following the procedures in OAR 137-003-0535.

Each person submitting a protest or a request for standing shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or in a hearing or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes judicial review based on that issue.

Persons may mail or deliver protests, requests for hearing and/or requests for standing by **5 p.m.** on **February 3, 2012** to:

Mary Graine
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

The Director may schedule a contested case hearing if, a protest has been submitted and upon review of the issues, the Director finds that there are significant disputes related to the proposed conversion of the right to an instream water right. The Director may offer an opportunity for collaborative dispute resolution if appropriate.

Any person may be represented by legal counsel at the hearing. Any person requesting a hearing will be notified of the time and place of the hearing and given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before the commencement of the hearing. Any hearing will be held by an administrative law judge from the Office of Administrative Hearings.

If you do not request a hearing within the time specified in this notice, or if you withdraw a request for hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a final order. If the Director issues a final order by default, the Director will designate the Department's file on this matter as the record for the purpose of proving a prima facie case upon default.

For Further Information Contact: Mary Graine 503-986-0833 Mary.S.Grainey@ wrd.state.or.us

OREGON WATER RESOURCES DEPARTMENT



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

PUBLIC NOTICE OF WATER USE REQUESTS

December 20, 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.)