

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
January 10, 2012

*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 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.
- \* **Transfer Applications: Temporary Transfers**  
Requests to temporarily change place of use and, if necessary to convey the water to the new place of use, to temporarily change the point of diversion or appropriation.
- \* **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.
- \* **District Permanent Transfers (ORS 540.580)**  
Petitions requesting transfers in place of use within a district's boundaries.

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, February 09, 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 24, 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:

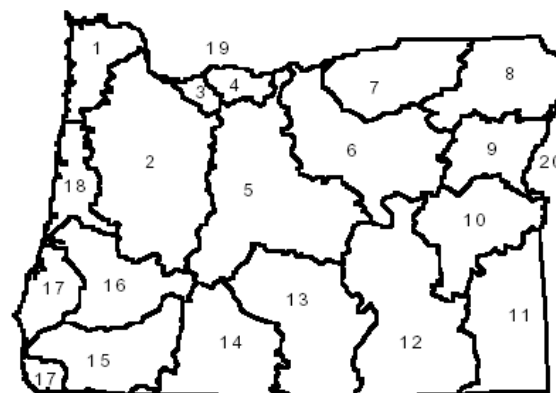
- \* Basin number (see map below right)
  - \* Source > what it flows into
    - (in the case of wells, this describes the basin in which the well is located)
  - \* General legal description
  - \* County & Priority date
  - \* Amount
  - \* Unit of measure:
    - C: cubic feet per second
    - G: gallons 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 |
|-------------------------|---|---------------------------------------|-----------|------------|----------|-------|--------|
| <a href="#">G-17510</a> | MCGOURTY, MICHAEL 5490 HILL RD BROGAN, OR 97903                 |                                       |           |            |          |       | IR 2   |
| 10                      | A WELL > PHIPPS CREEK   | 15.00S 43.00E 29 NWNW                 | Malheur   | 12/05/2011 | 1.13C    | (est) |        |
| 10                      | A WELL > PHIPPS CREEK   | 15.00S 43.00E 29 SWNW                 | Malheur   | 12/05/2011 | 1.13C    | (est) |        |
| 10                      | A WELL > PHIPPS CREEK   | 15.00S 43.00E 32 NWNW                 | Malheur   | 12/05/2011 | 1.13C    | (est) |        |
| Uses: IR IS             |   |                                       |           |            |          |       |        |
| <a href="#">R-87768</a> | KIRPAL LIGHT SATSANG INC. PO BOX 10 UMPQUA, OR 97486            |                                       |           |            |          |       | IR 2   |
| 16                      | UNNAMED STREAM > ROCK CREEK                                     | 25.00S 7.00W 10 NENE                  | Douglas   | 11/22/2011 | 0.0A     |       |        |
| 16                      | RUNOFF > ROCK CREEK   | 25.00S 7.00W 10 NESW                  | Douglas   | 11/22/2011 | 3.0A     |       |        |
| 16                      | RUNOFF > ROCK CREEK   | 25.00S 7.00W 10 NESW                  | Douglas   | 11/22/2011 | 3.3A     |       |        |
| 16                      | RUNOFF > ROCK CREEK   | 25.00S 7.00W 10 NESW                  | Douglas   | 11/22/2011 | 1.3A     |       |        |
| 16                      | RUNOFF > ROCK CREEK   | 25.00S 7.00W 10 NWSE                  | Douglas   | 11/22/2011 | 3.6A     |       |        |
| Uses: MP                |   |                                       |           |            |          |       |        |
| <a href="#">G-17503</a> | BURR, MYRON 7200 FRONT AVE M/S 30 PORTLAND, OR 97201            | SILTRONIC CORP. 7200 FRONT AVE M/S 30 |           |            |          |       | IR 2   |
| 2                       | A WELL > DOANE CREEK  | 1.00N 1.00W 13 NWNE                   | Multnomah | 10/28/2011 | 0.668C   | (est) |        |
| 2                       | A WELL > DOANE CREEK  | 1.00N 1.00W 13 NWNE                   | Multnomah | 10/28/2011 | 0.668C   | (est) |        |
| 2                       | A WELL > DOANE CREEK  | 1.00N 1.00W 13 NWSE                   | Multnomah | 10/28/2011 | 0.668C   | (est) |        |
| 2                       | A WELL > DOANE CREEK  | 1.00N 1.00W 13 NWNE                   | Multnomah | 10/28/2011 | 0.668C   | (est) |        |
| 2                       | A WELL > WILLAMETTE RIVER                                       | 1.00N 1.00W 12 SWSE                   | Multnomah | 10/28/2011 | 0.668C   | (est) |        |
| Uses: IM                |   |                                       |           |            |          |       |        |
| <a href="#">G-17509</a> | RAY, CHRISTOPHER JAMES 6144 MOLTHAN RANCH RD IRONSIDE, OR 97908 |                                       |           |            |          |       | IR 2   |
| 10                      | A WELL > GUM CREEK  | 16.00S 43.00E 6 NESE                  | Malheur   | 12/02/2011 | 1.21C    |       |        |
| 10                      | A WELL > WILLOW CREEK   | 16.00S 43.00E 5 NWSW                  | Malheur   | 12/02/2011 | 0.8C     |       |        |
| 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    |
|-------------------------|-------|--------|------------|-------------------------|------|------------|
| <a href="#">G-17293</a> | 2     | YAMH   | 12/28/2009 | CARLTON NURSERY CO. LLC |      | 01/05/2012 |
| <a href="#">G-17294</a> | 2     | YAMH   | 12/28/2009 | CARLTON NURSERY CO. LLC |      | 01/05/2012 |
| <a href="#">S-87564</a> | 2     | YAMH   | 12/28/2009 | CARLTON NURSERY CO. LLC |      | 01/05/2012 |

**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 February 09, 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: S-85968  
Permit Number: S-54347  
JOHN DAY RANCH LLC  
1550 NW EASTMAN PARKWAY SUITE 150  
GRESHAM, OR 97030  
Wheeler County  
A RESERVOIR > SLUICE CANYON  
36.0 AF  
IRRIGATION ON 9.0 ACRES  
October 1, 2019

Application Number: R-85967  
Permit Number: R-14361  
JOHN DAY RANCH LLC  
1550 NW EASTMAN PARKWAY SUITE 150  
GRESHAM, OR 97030  
Wheeler County  
SLUICE CANYON > RHODES CANYON  
50.0 AF  
AQUATIC AND WILDLIFE HABITAT, TO BE APPROPRIATED UNDER PERMIT S-54347 FOR  
IRRIGATION USE  
October 1, 2019

Application Number: G-14194  
Permit Number: G-12576  
CITY OF MT VERNON  
PO BOX 647  
MT VERNON, OR 97865  
Grant County  
THREE WELLS > JOHN DAY RIVER  
0.67 CFS  
MUNICIPAL USES  
October 1, 2015

## **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 24, 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: Polk  
Application File Number: G-16355  
Permit Number: G-15970  
Applicant: TUNKALILLA VINEYARDS INC.  
Address: 6655 SPRING VALLEY RD  
SALEM, OR 97304  
River Basin: Willamette Basin  
Water Source: A WELL > SPRING VALLEY CREEK  
Authorized Use of Water: IRRIGATION ON 49.26 Acres  
Maximum Diversion/  
Appropriation Rate: 0.167 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, 2020.

County of Use: Curry  
Application File Number: G-13851  
Permit Number: G-13031  
Applicant: HAGA, ALAN A.  
Address: 87666 GREEN GULCH LANE  
BANDON, OR 97411  
NORTHWEST FARM CREDIT SERVICES FLCA  
PO BOX 2515  
SPOKANE, WA 99220-2515  
SPRAGUE, PAUL AND KATHY  
PO BOX 1024  
LANGLOIS, OR 97450  
River Basin: South Coast Basin  
Water Source: A SUMP > FLORAS LAKE  
Authorized Use of Water: CRANBERRY OPERATIONS ON 12.0 Acres AND  
IRRIGATION ON 50.0 Acres  
Maximum Diversion/  
Appropriation Rate: 0.875 CFS, BEING 0.5 CFS FOR CRANBERRY OPERATIONS  
AND 0.375 CFS FO IRRIGATION



Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2011 to October 1, 2018; and grant an extension of time to apply water to full beneficial use from October 1, 2011 to October 1, 2018

## 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 January 24, 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-1382

CITY OF KLAMATH FALLS AIRPORT DEPARTMENT

6775 ARNOLD AVE

KLAMATH FALLS, OR 97603

POD: 1 A LAKE > UPPER KLAMATH LAKE

SW 1/4 SW 1/4 Section 33T 39.00S R 9.00E WM

Klamath County

1.34 CFS for WETLAND HABITAT MAINTENANCE

## **Transfer Applications: Temporary Transfer**

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation. The Department shall approve the request provided it does not cause injury to existing water rights or expand the water use. If after the change is approved, it is found to cause injury, the approved change may be revoked. The use of water reverts to the authorized place of use upon expiration of the temporary change.

Notice is given that the following applications for Temporary Transfers have been received by the Department:

County: UNION  
Transfer: 11340  
Water Right: CERT 87023  
Priority Date: JULY 7, 1966  
Name: THREEMILE CANYON FARMS  
Address: 75906 THREEMILE RD, BOARDMAN OR 97818  
Change: POU, POA  
Source: A WELL

County: LAKE  
Transfer: 11341  
Water Right: CERT 86190  
Priority Date: SEPTEMBER 19, 1997  
Name: JR SIMPLOT REVOCABLE TRUST  
Address: PO BOX 27, BOISE ID 83707  
Change: POU, POA  
Source: TWO WELLS

## **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 February 09, 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-11234 filed by ROD HOAGLAND, 22286 FIELDS DRIVE, FIELDS, OR 97710, proposes CHANGES IN POINT OF DIVERSION and PLACE OF USE under Certificate 468. The right allows the use of 0.48 of one cubic foot per second (priority date FEBRUARY 7, 1910) from CRICKET CREEK (AKA FIELDS CREEK) in Sec. 28, T 38 S, R 34 E, W.M. for IRRIGATION in Sec. 28. The applicant proposes to move the point of diversion approximately 5875 feet downstream in Sec. 20, T 38 S, R 34 E, W.M. and to change the place of use to Secs. 20, 21, 28, and 29, T 38 S, R 34 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.

## **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 February 09, 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:        | MALHEUR                              |
| Transfer:      | 11339                                |
| Water Right:   | CERT 45191                           |
| Priority Date: | DECEMBER 8, 1966                     |
| Name:          | MALHEUR DISTRICT IMPROVEMENT COMPANY |
| Address:       | RT 3, WEISER ID 83672                |
| Change:        | POU                                  |
| Source:        | SNAKE RIVER                          |

# **OREGON WATER RESOURCES DEPARTMENT**



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

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

January 10, 2012

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:**

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\* 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.)