

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
January 17, 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*

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.
- * **Expedited Secondary Applications to Use Stored Water**
Applications to use stored water exclusively, filed under a simplified review process.
- * **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 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.
- * **Notice of Proposed Order C-Drop Hydroelectric Project - PC 889**
Proposed Order on the Public Interest Issues of the Proposed Project(ORS 543.225)

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@wrds.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 16, 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, March 02, 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)

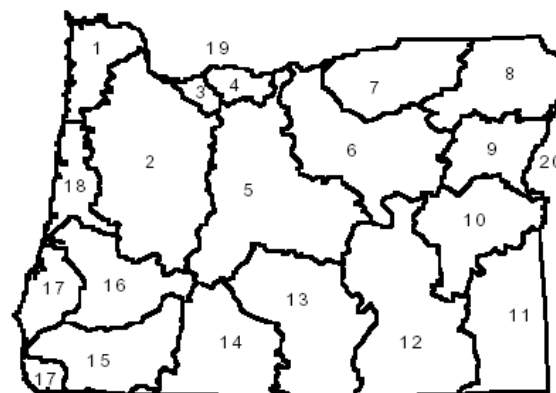
BASINS:

- | | |
|-----------------|---------------------|
| 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
G-17508	ARNOLDUS, TODD 990 CRESENT RD IMBLER, OR 97841						IR 2
8	A WELL > WILLOW CREEK	1.00S 38.00E 36 NWNW	Union	11/28/2011	1.33C		
Uses: IR							
G-17505	MAUPIN, ERIN 54421 HWY 78 BURNS, OR 97720 MAUPIN, JEFFERY T. 54421 HWY 78 BURNS, OR 97720						IR 2
12	A WELL > MALHEUR LAKE	26.00S 34.00E 7 NWNE	Harney	11/14/2011	0.835C		
Uses: IR							
G-17513	WILSON, MELVIN 11700 PAYETTE HEIGHTS RD PAYETTE, ID 83661						IR 2
10	A WELL > NORTH FORK JACOBSEN GULCH	17.00S 46.00E 12 NESE	Malheur	12/08/2011	1.2C		
Uses: IR							
G-17511	HARNEY SPOT RANCHES LLC 39937 SODHOUSE LANE PRINCETON, OR 97721						IR 2
12	A WELL > MALHEUR LAKE	26.00S 33.00E 31 SWNW	Harney	12/05/2011	0.445C		
12	A WELL > MALHEUR LAKE	26.00S 33.00E 31 NWSW	Harney	12/05/2011	0.555C (est)		
Uses: IR							
G-17516	PARKS, BRETT R. 5585 JOHN DAY HWY BROGAN, OR 97903						IR 2
10	A WELL > LITTLE WILLOW CREEK	16.00S 43.00E 35 NENW	Malheur	12/14/2011	1.51C		
Uses: IR IS							
G-17469	CHAPIN LIVING TRUST 9965 WHEATLAND RD N SALEM, OR 97303						IR 2
2	A WELL > HUBBARD LAKE CREEK	6.00S 3.00W 11 SENW	Marion	06/14/2011	1.0C		
Uses: AG							
G-17476	KIRKPATRICK, DONALD 39030 MODOC POINT RD CHILOQUIN, OR 97624 KIRKPATRICK, SHARON N. 39030 M						IR 3
14	A WELL > AGENCY LAKE	34.00S 7.00E 31 SWNE	Klamath	07/08/2011	0.048C		
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
G-17293	2	YAMH	12/28/2009	CARLTON NURSERY CO. LLC		01/05/2012
G-17294	2	YAMH	12/28/2009	CARLTON NURSERY CO. LLC		01/05/2012
S-87564	2	YAMH	12/28/2009	CARLTON NURSERY CO. LLC		01/05/2012
G-17171	6	GILL	01/30/2009		R CLAUS	01/12/2012
G-17180	2	MULT	02/23/2009	COLUMBIA EDGEWATER COUNTRY CLUB		01/12/2012
G-17459	2	LINN	04/07/2011		CARRI HEISLER	01/12/2012
G-17479	2	MARI	07/29/2011		KARNILY KALUGIN	01/12/2012
R-87387	6	GILL	01/30/2009		R CLAUS	01/12/2012
S-87670	15	JACK	12/06/2010		DUNCAN JAMES HUNT	01/12/2012

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 **February 16, 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 diversion point(s).

S-87774
BOYER FARMS II LLC
BOYER, JOE
PO BOX 373
MONROE, OR 97456
POD: 1 FERN RIDGE RESERVOIR > LONG TOM RIVER
NE 1/4 SW 1/4 Section 4 T17S R5W W.M.
Lane County
725.0 AF for IRRIGATION on 290 ACRES

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 March 02, 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:	Douglas
Application File Number:	R-48373
Permit Number:	R-5652
Applicant:	CITY OF DRAIN
Address:	PO BOX 158 DRAIN, OR 97435
River Basin:	Umpqua Basin
Water Source:	BEAR CREEK > ELK CREEK
Authorized Use of Water:	MUNICIPAL USES
Maximum Diversion/ Appropriation Rate:	1000.0 AF

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from to October 1, 2010.

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 February 16, 2012. 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)

PERRY WALKER
APPLICATION NUMBER: G-105066 PERMIT NUMBER: G-15024
KLAMATH COUNTY
THREE WELLS IN KLAMATH RIVER BASIN
IRRIGATION OF 400.0 ACRES, COMMERCIAL USE AND POND FILLING AND
MAINTENANCE FOR MULTI-PURPOSE FOR RESERVOIRS CONSTRUCTED UNDER
PERMITS R-13130, R-13131, R-13132, R-13133, R-13134, R-13135, R-
13136, R-13137, R-13138, R-13139, R-13140 AND R-13141

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 February 07, 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: Douglas

Instream Lease Number: IL 1195

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM THE POD TO THE MOUTH OF THE NORTH UMPQUA RIVER

Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to	Acres
Cert:79515 RR S	46773	3/22/1982	IR	0.38		NORTH UMPQUA RIVER	UMPQUA RIVER	30.9

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 16, 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-11218 filed by Royce and Patricia Horton, 68279 Allen Canyon Loop, Wallowa, OR 97885, proposes a change in place of use under Certificate 65175. The right allows the use of one-fortieth of one cubic foot per second (priority date MAY 7, 1973) from the LOSTINE RIVER in Sec. 5, T 1 S, R 43 E, W.M. for SUPPLEMENTAL IRRIGATION in Sec.5. The applicant proposes to change the place of use within the same section. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-10882 filed by HILLSBORO LANDFILL, INC., 7227 NE 55TH AVENUE, PORTLAND OR 97218, proposes a change in place of use and a change in character of use under Certificate 85423. The right allows the use of 0.36 CUBIC FOOT PER SECOND (priority date DECEMBER 13, 1990) from wells in Sec. 7 and 8, T 1S, R 2W, W.M. (Willamette Basin) for NURSERY OPERATIONS in Sec. 7 and 8. The applicant proposes to change the place of use to Sec. 7, 8 and 18, T 1S, R 2W, W.M.; and to change the character of use to INDUSTRIAL. 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 16, 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:	Deschutes
Notice of District	
Permanent Transfer:	NOTICE #T-2012-002
Certificate:	83571, 76714
Priority Date:	OCTOBER 31, 1907; FEBRUARY 28, 1913
Name:	CENTRAL OREGON IRRIGATION DISTRICT
Address:	1055 SW LAKE COURT, REDMOND, OR 97756
Change:	POU
Source:	DESCHUTES RIVER
Acres:	1.0
Authorized POU:	T14S R13E 27, T15S R13E 05
Proposed POU:	T14S R13E 09

Notice of Proposed Order
C-Drop Hydroelectric Project - PC 889

Proposed Order on the Public Interest Issues of the
Proposed Project
(ORS 543.225)

This matter comes before the Director on application of Klamath Irrigation District (Applicant) for a hydroelectric Project. The issue before the Director is whether the proposed Project together with the recommended measures to protect, mitigate or enhance the natural resources of the State are sufficient to meet the standards of ORS 543.017, 543.225, and OAR 690-051.

The Project as proposed by Klamath Irrigation District is for the use of up to 700 cubic feet per second of water from "A" Canal diverted from Upper Klamath Lake. The proposed project is located in the SW ¼ NE ¼ Section 19, Township 39 South, Range 10 East, W.M.

The proposed project would be constructed on a Reclamation canal that is used to deliver irrigation water to Klamath Irrigation District water users. The C-Canal is part of the Reclamation Klamath Project that supplies water to irrigated land within Klamath Irrigation District as well as other lands having Reclamation contracts. The hydroelectric plant capacity would be 1,100 kW from 1 turbine/generator unit.

This order presents proposed findings of fact and conclusions of law to find that the public interest standards of ORS 543.017, 543.225 and OAR 690-051 have been met with regards to the proposed Project. Accordingly, the Department proposes to issue a new hydroelectric permit for this Project.

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 **March 2, 2012**. ORS 543.230. A protest must be in writing, accompanied by a fee of **\$600.00**, and received at the Oregon Water Resources Department by **5 p.m.** on **March 2, 2012**. ORS 536.050(1)(j). Person may mail or deliver protests and request for hearing to:

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

A contested case hearing on the public interest issues of the C-Drop Hydroelectric Project shall be scheduled within 3 months.

Any person may be represented by legal counsel at the hearing. Any person filing a protest or 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 commencement of the hearing. The hearing will be conducted 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

January 17, 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:

* 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.)