

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
July 24, 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.
- \* **Limited License**  
A limited license allows the right to use or store water for no more than 5 consecutive years.
- \* **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.
- \* **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.
- \* **District Temporary Transfers (ORS 540.570)**  
Applications requesting transfers in place of use within a district's boundaries.
- \* **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.

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 "Codi.N.Holmes@ 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 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, August 23, 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, September 07, 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 days: March 23, 2012, May 25, 2012, August 17, 2012, October 19, 2012, November 23, 2012, January 18, 2013, April 19, 2013 and May 24, 2013.

## 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 02 A WELL > SPRING CR Uses: IR	EUGENE OR 97123	16.00S 03.00W 19	NESW Lane	01/29/2002	0.3700 C	IR	3

### 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)

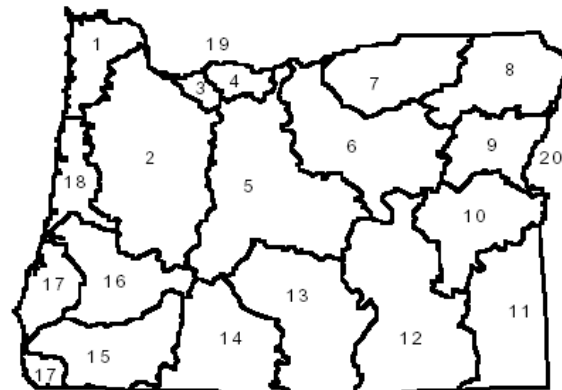
BASINS:	
1. North Coast	11. Owyhee
2. Willamette	12. Malheur L.
3. Sandy	13. Goose/Summer L.
4. Hood	14. Klamath
5. Deschutes	15. Rogue
6. John Day	16. Umpqua
7. Umatilla	17. S. Coast
8. Grande Ronde	18. Mid-Coast
9. Powder	19. Columbia
10. Malheur	20. Snake

- AG: Agriculture
- CF,CH,CL, CR: Cranberry uses
- CM: Commercial
- CS: Campground
- DI, DN: Domestic including non-commercial lawn & garden
- DO: Domestic
- DS: Domestic & stock
- FI: Fish
- FP: Fire protection
- FW: Fish & wildlife
- GD: Group domestic

- GR: Groundwater recharge
- GT: Geothermal
- IC: Irrigation, primary & supplemental
- ID: Irrigation with domestic
- IL: Irrigation with livestock
- IM: Industrial or manufacturing
- IR: Irrigation
- IS: Irrigation, supplemental
- LV: Livestock
- LW: Livestock & wildlife
- MI: Mining

- MU: Municipal
- NU: Nursery use
- PA: Pollution abatement
- PW: Power
- QM: Quasi-municipal
- RC: Recreation
- RW: Road construction
- ST: Storage
- SW: Swimming
- TC: Temperature control
- WI: Wildlife

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



App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status
<a href="#">G-17552</a>	WINGET FILTER, MARGARET PO BOX 416 PILOT ROCK, OR 97868						IR 3
7 Uses: IR	A WELL > GEORGE CANYON	1.00N 32.00E 31 NWSE	Umatilla	04/13/2012	0.1C		
<a href="#">S-87818</a>	FOX, PHYLLIS 640 CHEROKEE AVE ROSEBURG, OR 97471 FOX, TOMMY 640 CHEROKEE AVE ROSEBURG, OR 9						IR 2
16 Uses: DN	NORTH UMPQUA RIVER > UMPQUA RIVER	26.00S 6.00W 27 SWSE	Douglas	06/14/2012	0.01C		
<a href="#">S-87629</a>	BLAKESLEE, LARRY N. PO BOX 366 MONUMENT, OR 97864						PFO 2
6 Uses: HC LV	A SPRING > NORTH FORK JOHN DAY RIVER	9.00S 27.00E 3 NWNW	Grant	06/03/2010	0.02C		
<a href="#">S-87713</a>	WESTPORT WATER ASSOCIATION 49206 HWY 30 WESTPORT, OR 97016						PFO 2
1 Uses: QM	SPRINGS > MCFARLANE CREEK	8.00N 6.00W 34 NENE	Clatsop	04/18/2011	0.22C		
<a href="#">G-17547</a>	HAINES, RICHARD J. 43934 RUNNING IRON RD BAKER CITY, OR 97814						PFO 2
9 Uses: IR	A WELL > PINE CREEK	8.00S 38.00E 25 NESE	Baker	04/09/2012	0.025C		

## 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-17482</a>	2	MARI	08/19/2011		NORMAN ZELLER	07/19/2012
<a href="#">R-87513</a>	2	CLAC	08/17/2009		JOHN CHILDS	07/19/2012
<a href="#">R-87716</a>	6	WHEE	04/22/2011		ELENA BROWN	07/19/2012
<a href="#">R-87717</a>	6	WHEE	04/22/2011		ELENA BROWN	07/19/2012
<a href="#">R-87718</a>	6	WHEE	04/22/2011		ELENA BROWN	07/19/2012
<a href="#">R-87719</a>	6	WHEE	04/22/2011		ELENA BROWN	07/19/2012
<a href="#">R-87765</a>	6	WHEE	11/07/2011		D ROCKEY GOODELL	07/19/2012
<a href="#">R-87791</a>	2	YAMH	03/28/2012	FOXGLOVE PROPERTIES LLC		07/19/2012
<a href="#">S-87341</a>	2	WASH	11/18/2008		DR TODD KUETHER	07/19/2012
<a href="#">S-87741</a>	16	DOUG	07/29/2011	FOREST EDGE INVESTMENTS LLC		07/24/2012

**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 August 23, 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-12273  
Permit Number: G-11691  
SCHANNO JR, D PAUL  
4010 EMERSON LOOP RD  
THE DALLES, OR 97058  
Wasco County  
A WELL > FIFTEENMILE CREEK  
0.74 CFS  
IRRIGATION ON 59.41 ACRES  
October 1, 2012

Application Number: G-16715  
Permit Number: G-16236  
PETERS, TOM 1010 WASHINGTON SUITE 200 VANCOUVER, WA 98660  
Wasco County  
THREE WELLS > JAMESON CANYON  
4.0 CFS (est)  
IRRIGATION ON 351.7 ACRES  
October 1, 2023

Application Number: R-85899  
Permit Number: R-13974  
FLEMING, BRUCE 1129 SW 20TH PORTLAND, OR 97205  
Columbia County  
UNNAMED STREAM > NEHALEM RIVER  
11.0 AF  
MULTIPLE PURPOSE  
October 1, 2017



## 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 August 07, 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-1426

KENNEDY/JENKS CONSULTANTS  
VAN METER, PRESTON  
200 SW MARKET STREET SUITE 500  
PORTLAND, OR 97201

POD: 1 WILLAMETTE R > COLUMBIA R  
SW 1/4 NE 1/4 Section 1 T 12.00S R 5.00W MD  
Linn County  
4.5 CFS for POLLUTION ABATEMENT (INSTREAM)

LL-1429

KUO, MAX AND JANET  
PO BOX 2693  
FLORENCE, OR 97439

POD: 1 CLEAWOX L > WOA HINK L  
NW 1/4 SE 1/4 Section 3 T 19.00S R 12.00W WM  
Lane County  
0.005 CFS for DOMESTIC

## 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 August 23, 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:	UNION
Transfer:	11447
Water Right:	CERT 6371
Priority Date:	DECEMBER 31, 1869
Name:	STEVE GALLOWAY PO BOX 53 NAMPA, ID 83653
Change:	POINT OF DIVERSION
Source:	INDIAN 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 August 23, 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-11246 filed by Ray Prock, 20790 Keno Worden Road, Klamath Falls, OR 97603, proposes an additional point of appropriation under Certificates 44401 and 66767. The rights allow the use of 5.98 cfs from wells in Sec. 5, T 41 S, R 8 E, W.M. for primary and supplemental irrigation in Sec. 4 and 5. The applicant proposes an additional point of appropriation in Sec. 5. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-11290 filed by Lakeview Water Users Inc., 91164 Water Users Lane, Lakeview, OR 97630, proposes a place of use change under Sp. Order Vol. 83, Pages 755-756 (Order of Proper Proof of Changes in Place of use Under T-5814). The right allows the use of 0.34 cubic foot per second from Drews Creek, Drews Reservoir, Cottonwood Reservoir, and Cottonwood Creek, tributaries to Goose Lake in Sec. 29, T38 S, R19E, WM; Sec. 16, T39S, R19E, WM; and Secs. 5 and 11, T40S, R18E, WM, for irrigation in Sec. 29, T39S, R19E, WM. The applicant proposes to change the place of use to Sec. 32, T39S, R19E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-11346 filed by William and Rosa Rupp, 420 Road 49, Pasco WA, 99301, proposes an addition point of diversion under Certificates 434 and 2553. The rights allow the use of 0.445 cfs from a diversion on East Birch Creek within Sec. 12, T2S, R32 E, W.M., for irrigation in Sections 11 and 12. The applicant proposes to add a point of diversion in Sec. 11. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540, OAR 690-380-2110 and 690-380-5000.

T-11428 filed by Scabby Hollow Ranch LLC, PO Box 845, Madras, OR 97741, proposes a change in place of use under Certificate 13645. The right allows the use of 0.725 cubic foot per second from Willow Creek in Sec. 28, T 12 S, R 15 E, W.M. for irrigation in Sects. 21 and 28. The applicant proposes to change the place of use within Sects. 21 and 28. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

## **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: LAKE  
Transfer: 11334  
Water Right: CERT 82685, 82158  
Priority Date: JUNE 18, 1984; APRIL 18, 1985  
Name: GOLDEN RULE FARMS, INC  
Address: PO BOX 255, CHRISTMAS VALLEY, OR 97641  
Change: POU, APOA  
Source: A WELL

## **District Temporary Transfers (ORS 540.570)**

A district with a manager may request to temporarily make the following changes in water rights within district boundaries for one irrigation season: (1) The place of use of a water use subject to transfer; (2) The point of diversion/appropriation to facilitate a change in place of use; (3) The type of use from a primary right to a supplemental right; and (4) From a surface water point of diversion to a ground water appropriation.

The Department shall approve the request provided it does not cause injury to existing right or expand the water use. A district temporary transfer may be conditioned or revoked at any time to avoid injury to other water rights. The use of water reverts to the authorized place of use, type of use, point of diversion/appropriation upon expiration of the temporary change.

The Department seeks public comments on the recently filed district temporary transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before August 23, 2012. The Department shall consider the comments in determining whether to condition, reject, or revoke a temporary district transfer.

County:	UMATILLA
Transfer:	11448
Water Right:	CERT 87666
Priority Date:	JULY 19, 1974
Name:	ECHO IRRIGATION DISTRICT 73120 HWY 207 ECHO, OR 97826
Change:	PLACE OF USE
Source:	A WELL

## **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 August 23, 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.)

Notice of District

County: HOOD RIVER  
Permanent Transfer: NOTICE #2012-01  
Certificate: 84803  
Priority Date: AUGUST 8, 1977  
Name: EAST FORK IRRIGATION DISTRICT  
Address: PO BOX 162 ODELL OR 97044  
Change: POU  
Source: EAST FORK HOOD RIVER  
Acres: 0.15  
Authorized POU: T2N R10E SEC 25  
Proposed POU: T2N R10E SEC 25

## 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)).

<u>File Number</u>	<u>Basin Number</u>	<u>County</u>	<u>Priority Date</u>	<u>Issue Date</u>	<u>Name</u>
<a href="#"><u>App: G 12780 Cert#-87694</u></a>	2	LANE	02/18/1992	07/19/2012	CITY OF VENETA
<a href="#"><u>App: R 76412 Cert#-87693</u></a>	2	MARI	01/11/1995	07/19/2012	GRASSMAN, BLAINE
<a href="#"><u>App: R 83854 Cert#-87703</u></a>	2	MARI	06/10/1998	07/20/2012	SPADA, ARTHUR SPADA, MARY B. DONALD FARMS LLC SPADA, ANGELO J.; A AND R SPADA FARMS (C/O)
<a href="#"><u>App: R 86475 Cert#-87681</u></a>	2	MARI	01/24/2006	07/19/2012	BERNING, LEON
<a href="#"><u>App: S 86476 Cert#-87682</u></a>	2	MARI	01/10/2006	07/19/2012	BERNING, LEON



**OREGON  
WATER  
RESOURCES  
DEPARTMENT**



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
July 24, 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.)