

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
July 31, 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.
- \* **Alternate Reservoir Applications (ORS 537.409)**  
Applications for storage permits for small ponds filed under a simplified review process.
- \* **Application for Instream Lease**  
Application by water right holder to lease existing water rights to instream use.
- \* **Transfer Applications: Regular**  
Requests to change point of diversion or appropriation, place of use, or character of use upon which the public may comment. The changes may be proposed in an application for a transfer (including instream or historic POD), an exchange, or a substitution.
- \* **Transfer Preliminary Determinations**  
Requests to change point of diversion or appropriation, place of use, and character of use upon which the public may protest the application and Department's preliminary determination.
- \* **Transfer Applications: Permit Amendments**  
Requests to amend permits.
- \* **Water Management and Conservation Plans**  
Water management and conservation plans submitted by municipalities and agricultural water suppliers under provisions of OAR Chapter 690, Division 86.
- \* **Water Management and Conservation Plans Progress Reports**  
Water management and conservation plan progress reports submitted by municipalities under provisions of OAR Chapter 690, Division 86.

\* **Notice of Contested Case Hearing WR-12-006**  
Buoy Hydroelectric Wave Energy Project – HE 591

\* **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 30, 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 14, 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:

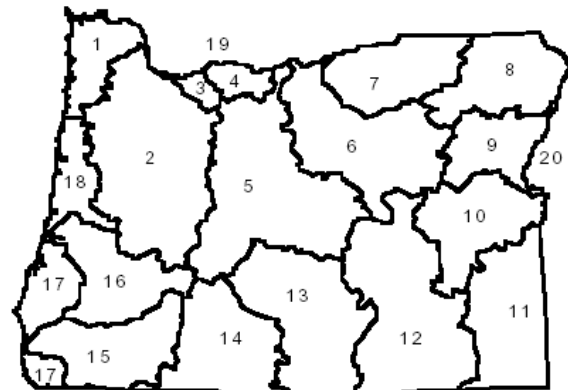
- |                 |                     |
|-----------------|---------------------|
| 1. North Coast  | 11. Owyhee          |
| 2. Willamette   | 12. Malheur L.      |
| 3. Sandy        | 13. Goose/Summer L. |
| 4. Hood         | 14. Klamath         |
| 5. Deschutes    | 15. Rogue           |
| 6. 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-17562</a>	THORENFELDT, BO 885 HILLSBOROUGH BLVD HILLSBOROUGH, CA 94010						IR 2
12	A WELL > ROCK CREEK	22.00S 33.00E 29 NENE	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 20 SENE	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 20 NENE	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 30 NESW	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 30 SENE	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 29 SWNW	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 31 NESW	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 32 NWSW	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 32 NWSE	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 31 SENW	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 32 SWSW	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 32 SESW	Harney	06/11/2012	1.538C	(est)	
12	A WELL > ROCK CREEK	22.00S 33.00E 28 NWSE	Harney	06/11/2012	1.538C	(est)	
Uses:	IR IS						
<a href="#">G-17549</a>	OREGON HEALTH AUTHORITY 2575 BITTERN ST NE SALEM, OR 97301						IR 2
2	A WELL > FLAT CREEK	16.00S 4.00W 20 SENW	Lane	04/11/2012	0.668C	(est)	
2	A WELL > FLAT CREEK	16.00S 4.00W 20 SENE	Lane	04/11/2012	0.0C	(est)	
2	A WELL > FLAT CREEK	16.00S 4.00W 20 NESW	Lane	04/11/2012	0.668C	(est)	
2	A WELL > FLAT CREEK	16.00S 4.00W 20 NESE	Lane	04/11/2012	0.0C	(est)	
2	A WELL > FLAT CREEK	16.00S 4.00W 20 NESW	Lane	04/11/2012	0.668C	(est)	
2	A WELL > FLAT CREEK	16.00S 4.00W 20 NESE	Lane	04/11/2012	0.0C	(est)	
2	A WELL > FLAT CREEK	16.00S 4.00W 20 NESW	Lane	04/11/2012	0.668C	(est)	
2	A WELL > FLAT CREEK	16.00S 4.00W 20 NESE	Lane	04/11/2012	0.0C	(est)	
Uses:	GT						

App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status
<a href="#">G-17544</a>	MIRACLE LAND AND LIVESTOCK LLC 20020 UPPER PLEASANT RD CALDWELL, ID 83607						PFO 2
10	A WELL > SNAKE RIVER	15.00S 46.00E 25	NESW Malheur	04/04/2012	2.06C	(est)	
10	A WELL > SNAKE RIVER	15.00S 46.00E 25	NENE Malheur	04/04/2012	2.06C	(est)	
10	A WELL > SNAKE RIVER	15.00S 47.00E 31	NENE Malheur	04/04/2012	2.06C	(est)	
10	A RESERVOIR > SNAKE RIVER	15.00S 46.00E 25	NESE Malheur	04/04/2012	2.0A		
10	A RESERVOIR > SNAKE RIVER	15.00S 46.00E 25	NESE Malheur	04/04/2012	4.6A		
10	A RESERVOIR > SNAKE RIVER	15.00S 46.00E 25	NESE Malheur	04/04/2012	4.1A		
10	A RESERVOIR > SNAKE RIVER	15.00S 46.00E 25	NESE Malheur	04/04/2012	2.5A		
10	A RESERVOIR > SNAKE RIVER	15.00S 46.00E 25	NESW Malheur	04/04/2012	90.0A		
10	A RESERVOIR > SNAKE RIVER	15.00S 46.00E 25	NESW Malheur	04/04/2012	1.1A		
Uses:	FI IR IS PM RC ST WI						

## **Alternate Reservoir Applications (ORS 537.409)**

For alternate reservoir applications filed under ORS 537.409, the public is invited to comment within 60 days of this notice. The law provides that within 60 days after the Department provides public notice of the application, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir:

- (A) Would result in injury to an existing water right; or
- (B) Would pose a significant detrimental impact to existing fishery resources as determined on the basis of information submitted by the State Department of Fish and Wildlife.

Such comments must be submitted on or before September 29, 2012.

R-87669

RICHEY, WILLIAM

4425 GALICE RD

MERLIN OR 97532

POD: 1 RUNOFF > BROCKMAN GULCH

SW 1/4 NE 1/4 Section 14T 35.00S R 7.00W WM

Josephine County

4.9 A for MULTIPLE PURPOSE

R-87357

DURFEY, DELENE

58406 FERRY CANYON RD

CONDON OR 97823

POD: 1 SPRINGS > FERRY CANYON

SE 1/4 SW 1/4 Section 3 T 4.00S R 20.00E WM

Gilliam County

0.5 A for MULTIPLE PURPOSE

## 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 Date	Basin	County	Priority	Company	Name	FO
<a href="#">S-87741</a> 07/24/2012	16	DOUG	07/29/2011	FOREST EDGE INVESTMENTS LLC		
<a href="#">G-17555</a> 07/26/2012	2	CLAC	04/23/2012		JENNIFER WALLICK	



### 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 August 21, 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: Grant  
Instream Lease Number: IL 1254

\*\* Lessor \*\*  
MOSS, DENNIS  
42226 CUPPER CREEK RD  
KIMBERLY, OR 97848

Contact: KODY THURGOOD at 503-986-0892

Reach: AT THE POD

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
Cert:82397	OR * S	49482	4/4/1985	IR	0.2	31.6	CUPPER CANYON	DRY CREEK 7.9

Reach: AT THE POD

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
Cert:60524	OR * S	47318	12/6/1982	IR	0.23	45.5	NORTH FORK JOHN DAY RIVER	JOHN DAY RIVER 9.1

County: Klamath  
Instream Lease Number: IL 1257

\*\* Lessee \*\*

KLAMATH BASIN RANGELAND TRUST  
700 MAIN ST, SUITE 201A  
KLAMATH FALLS, OR 97601

\*\* Lessor \*\*

MCCMAHON, CRYSTAL  
5264 WICKET COURT  
KLAMATH FALLS, OR 97603

Contact: LAURA WILKE at (503) 986-0884

Reach: AT THE POD

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
Cert:8597 OR *		8/15/1921	IR	0.19	91.12	WHISKEY CREEK	SPRAGUE RIVER	15.0

## 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 30, 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: LINCOLN  
Transfer: 11451  
Water Right: CERT 87645, 14396  
Priority Date: OCTOBER 24, 1929, FEBRUARY 12, 1937  
Name: CITY OF TOLEDO  
C/O ADAM DENLINGER  
PO BOX 220  
TOLEDO, OR 97391  
Change: POINT OF DIVERSION; PLACE OF USE  
Source: SILETZ RIVER

## **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 30, 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-11302 filed by Jerry and Jean Ingle, 20951 Boones Ferry Rd NE, Aurora, OR 97002, proposes a place of use and character of use changes under Certificate 9726. The right allows the use of 0.006 cubic foot per second from an Unnamed Stream, tributary to Deer Creek, in Sec. 15, T 4S, R 1 W, W.M. for domestic, including operation of a hydraulic ram within Sec. 15. The applicant proposes to change the place of use within Sec. 15 and to change the character of use to irrigation. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-11120 filed by Paul & Dixie Schanno (82163 Dufur Valley Rd, Dufur, OR 97021) proposes changes in place of use and character of use under Certificates 48992, 50112 and 5678. Certificate 48992 allows the use of 0.40 Cubic Foot per Second (CFS) (priority 2/16/1972) for irrigation in Sec. 33, T1S, R13E, W.M. Certificate 50112 allows the use of 0.07 CFS (priority 6/12/1972) for irrigation in Sec. 33, T1S, R 3E, W.M. Certificate 5678 allows the use of 0.05 CFS (priority 1869) for irrigation in Sec. 9, T1S, R14E, W.M. All Certificates divert water from Fifteenmile Creek in Sec. 9, T1S, R14E and Sec. 33, T1S, R13E, W.M. The applicants propose to change the place of use and character of use to create an instream use in Fifteenmile Creek from the points of diversion to the mouth of Fifteenmile Creek. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540, OAR 690-380-5000 and OAR 690-077-0075.

T-11121 filed by Paul & Dixie Schanno, 82163 Dufur Valley Rd., Dufur, OR 97012, proposes changes in point of diversion and place of use under Certificate 5678. The right allows the use of water (priority date 1869) from Fifteenmile Creek in Sec. 9, T 1 S, R 14 E, W.M. for irrigation of 39.5 acres in Secs. 3, 9, and 10. The applicants propose to move the point of diversion for 38.5 acres approx. 8.5 miles upstream to Sec. 33, T 1 S, R 13 E, W.M. and to change the place of use within Sec. 33. The applicants propose to change the point of diversion for 1 acre of land approx. 2800 feet downstream (Sec. 3, T 1 S, R 14 E, W.M.)

T-11390 filed by Buell Red Prairie Water District, Mark Millikan, P.O. Box 367, Sheridan, Oregon 97378, proposes a change in place of use under Certificate 87392. The right allows the use of 75.0 gallons per minute from Gooseneck Creek in Sec. 35, T 6 S, R 7 W, W.M. for ground water recharge in Sec. 35. The applicant proposes to change the place of use within Sec. 35, T 6 S, R 7 W, W.M. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-11413 filed by Christopher James and Anne R. Ray, 6144 Molthan Ranch Road, Ironside, OR 97908, proposes a change in place of use under Certificate 85564. The right allows the use of 0.42 cubic foot per second from two wells in Sects. 20 and 21, T 14 S, R 39 E, W.M. for supplemental irrigation in Sects. 20 and 21. The applicant proposes to change the place of use to within Sec. 21. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

## Transfer Applications: Permit Amendments

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU) pursuant to ORS 537.211 (4).

Notice is given that the following applications for Permit Amendments have been received by the Department. If the proposed change in point of diversion or appropriation is for a distance greater than 1/4 mile or includes intervening diversion points, notice also will be published in a local newspaper.

County: COOS  
Transfer: 11449  
Water Right: CERT G 16637  
Priority Date: FEBRUARY 9, 2009  
Name: BANDON DUNES GOLF RESORT  
C/O DONALD J STASTNY  
2309 SW 1ST 1145  
PORTLAND, OR 97201  
Change: POINT OF APPROPRIATION  
Source: A WELL

County: TILLAMOOK  
Transfer: 11450  
Water Right: CERT S 36881  
Priority Date: MAY 3, 1972  
Name: TONY OWEN  
PO BOX 520  
PACIFIC CITY, OR 97135-0520  
Change: ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE  
Source: HORN CREEK

## **Water Management and Conservation Plans**

The Department is required to give notice and to invite public review and comment on Water Management and Conservation Plans submitted pursuant to OAR Chapter 690, Division 086. The Department will consider all public comments in its review of the draft plan and will report the results of the review to the water supplier 90 days from the time the plan was submitted.

**Any person may review and comment on a draft plan on or before August 30, 2012.** The plans are available for viewing at the Salem office of the Water Resources Department. Comments should focus on elements in the draft that do not meet the requirements of OAR Chapter 690, Division 086 and should include suggestions on how to bring the draft into compliance with the rules.

Plans have been submitted by the following agricultural and municipal water suppliers:

City of Corvallis (Municipal)

To review any of the above plans or to provide comments on the plans, contact Lisa Jaramillo at 503-986-0880 or [lisa.j.jaramillo@wrd.state.or.us](mailto:lisa.j.jaramillo@wrd.state.or.us).

## **Water Management and Conservation Plans Progress Reports**

Pursuant to OAR 690-086-0120(4) and (5), the Department is required to give notice of progress reports on Water Management and Conservation Plans.

Any person may review and comment on these progress reports. The Department requests that comments be submitted no later than 30 days after the date of this notice. Progress reports have been submitted by the following municipal supplier(s):

### **City of Sandy (Municipal)**

If you are interested in reviewing the document, it is available online for the next 30 days at:  
<http://filepickup.wrd.state.or.us/files/Publications/WMCP/Plans%20on%20Public%20Notice/>

For information please contact Lisa Jaramillo at 503 986-0880.



## **Notice of Contested Case Hearing WR-12-006**

### **10 Buoy Hydroelectric Wave Energy Project – HE 591**

**Date: August 9, 2012, Time 9 a.m.**

**OWRD Detroit Conference Room**

**725 Summer ST NE Suite A, Salem, OR**

**Plus Conference call information below**

This matter comes before the Director on application of Reedsport OPT Wave Park, LLC (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 543.014(2), 543.014(3), and 543.225(3).

This order presents findings of fact and conclusions of law to find that the public interest standards of ORS 543.014 and 543.225 have been met with regards to the proposed Project. Accordingly, the Department shall issue a new hydroelectric license for this Project.

The Project includes 10 PowerBuoys to be anchored in the Pacific Ocean off of Douglas County near Reedsport, OR. The PowerBuoys are capable of producing up to 150 KW each, for a total project size of 1.5 MW.

The Proposed Final Order is available from the Department upon request. The Proposed Final Order was noticed on June 8, 2012, with a protest deadline of July 12, 2012. No protests were received by the Department. Pursuant to ORS 543.230, ORS 543.055 and OAR 690-051-0130 the matter set for hearing is a contested case. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183 and Chapter 543; the administrative rules of Oregon Water Resources Department, Oregon Administrative Rules (OAR) Chapter 690, Division 2 and OAR Chapter 690, Division 51, and the Attorney General's Office of Administrative Hearing Rules, OAR 137-003-0501 to 137-003-0700.

Any person may be represented by legal counsel at the hearing. The hearing will be conducted by an administrative law judge from the Office of Administrative Hearings.

The contested case hearing on the public interest issues of the 10 Buoy Hydroelectric Wave Energy Project is scheduled for **August 9, 2012, beginning at 9 a.m., at the Water Resources Department Detroit Conference Room, 725 Summer St NE, Salem, OR.**

Interested persons may also participate by conference call.

To access the telephone conference, please dial **(877) 622-4041**, and, when prompted, dial **8512006** as the access code. **Please do not call before the time set for the conference, as your call may be misdirected by the system. If you experience any difficulty making the connection, please hang up and call Rebecca Osborne at (503) 947-1957 or Misty Fragua at (503) 947-1510.**

If persons having an interest in this proceeding notify the Department or the administrative law judge

that they will not appear or fail to appear at the hearing, the Director may issue a final order by default. 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](mailto:Mary.S.Grainey@wrd.state.or.us).

## 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
<a href="#">App: G 11593</a> <a href="#">Cert#-87478</a>	15	JOSE	10/22/1986	07/13/2012	SMALL, BILL T.; ROGUE LEA ESTATES NORTH AND SOUTH MOBILE PARKS
<a href="#">App: R 81267</a> <a href="#">Cert#-87706</a>	2	WASH	07/03/1996	07/26/2012	NIKE INC.
<a href="#">App: R 87766</a> <a href="#">Cert#-87707</a>	2	WASH	11/08/2011	07/26/2012	NIKE INC.

# **OREGON WATER RESOURCES DEPARTMENT**



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

**PUBLIC NOTICE OF WATER USE REQUESTS**  
July 31, 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.)