

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
August 28, 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:

- * **Alternate Reservoir Applications (ORS 537.409)**
Applications for storage permits for small ponds filed under a simplified review process.
- * **Expedited Secondary Applications to Use Stored Water**
Applications to use stored water exclusively, filed under a simplified review process.
- * **Water Right Cancellations**
Abandonment of perfected and developed water rights and requests to cancel all or a portion of rights.
- * **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.
- * **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.
- * **District Permanent Transfers (ORS 540.580)**
Petitions requesting transfers in place of use within a district's boundaries.
- * **Ground Water Registration Modifications**
Applications requesting Department recognition of changes in point of appropriation, place of use and character of use under a ground water certificate of registration.

* **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".

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 October 27, 2012.

R-87830

FOSTER, JOHN AND PENNY

764 CRESCENT DR

EAGLE POINT, OR 97524

POD: 1 RUNOFF > ROGUE RIVER

SE 1/4 SE 1/4 Section 7 T 35.00S R 1.00W WM

Jackson County

0.5 A for MULTIPLE PURPOSE (est.)

POD: 2 UNNAMED STREAM > ROGUE RIVER

SE 1/4 SE 1/4 Section 7 T 35.00S R 1.00W WM

Jackson County

0.5 A for MULTIPLE PURPOSE (est.)

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 **September 27, 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 redirection point(s).

S-87775

KELLEY, CHARLES K.

PO BOX 711

LAKEVIEW, OR 97630

POD: 1 A RESERVOIR > MUDDY CREEK

SW 1/4 SE 1/4 Section 7 T 39.00S R 19.00E WM

Lake County

364.0 AFT for IRRIGATION

Water Right Cancellations

ORS 540.621 authorizes the Director to issue an order canceling a perfected and developed water right whenever the owner certifies under oath that the right has been abandoned and requests a cancellation of the right.

The Department has received affidavits from owners of land to which a water right is appurtenant stating the owner has abandoned the water right, and requesting that the Department cancel portions of the right appurtenant to the land.

The Department proposes to issue orders canceling all or a portion of the following water right(s):

COUNTY:	CROOK
WATER RIGHT CERTIFICATE:	68134, IN THE NAME OF T. F. McCALLISTER
PRIORITY DATE:	1901
SOURCE:	SQUAW CR > DESCHUTES R
LANDOWNER:	PHILLIP & THERESA LEE, TRUSTEES
ADDRESS:	1265 VALLEY VIEW DR NW, SALEM, OR 97304
USE:	IRRIGATION
QUANTITY:	0.60 CFS
ACRES:	30.0
LOCATION:	T16S, R11E, 5, SWSW, TAX LOT 500

**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 September 27, 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-16466
Permit Number: G-16132
POHLSCHNEIDER FARMS INC.
17904 FRENCH PRAIRIE RD
SAINT PAUL, OR 97137
Marion County
TWO WELLS > CHAMPOEG CREEK BASIN
5.0 CFS (est)
NURSERY USES ON 490.0 ACRES
October 1, 2026

Application Number: S-84702
Permit Number: S-53817
KRAUTMANN FAMILY NURSERY LLC
4194 71ST AVE SE
SALEM, OR 97301
Marion County
A RESERVOIR > MILLER CREEK
20.2 AF
IRRIGATION TO MAKE UP DEFICIENCY RATE ON 379.3 ACRES
October 1, 2022

**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 October 12, 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:	Wasco
Application File Number:	S-55346
Permit Number:	S-49653
Applicant:	CITY OF THE DALLES
Address:	1215 W 1ST ST THE DALLES, OR 97058
River Basin:	Hood Basin
Water Source:	COLUMBIA RIVER > PACIFIC OCEAN
Authorized Use of Water:	MUNICIPAL USES
Maximum Diversion/ Appropriation Rate:	40 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 1996 to October 1, 2073.

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 September 11, 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-1432

KIDDER-WEST, NANCY

341 CABOT COURT

GRANITE BAY, CA 95746

POD: 1 N UMPQUA R > UMPQUA R

SE 1/4 NE 1/4 Section 16T 26.00S R 4.00W WM

Douglas County

0.01 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 September 27, 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:	CROOK
Transfer:	11465
Water Right:	CERT 83657, 83658
Priority Date:	DECEMBER 31, 1868; DECEMBER 31, 1980
Name:	MARK COPELAND 7900 NE MILL CREEK RD PRINEVILLE, OR 97754
Change:	PLACE OF USE
Source:	MILL 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 September 27, 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-10786 filed by Heath and Alyssa Wells, 85621 Bork Lane, Milton-Freewater, OR 97862, proposes to change the point of appropriation for a portion of Certificate 84238. The right allows the use of 0.024 cfs from a well in Sec. 13, T6N, R35E, W.M. for irrigation in Sec. 13. The applicant proposes to change the point of appropriation to another well within Sec. 13. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-11374 filed by Vital Farmland, LP, 13390 NW 29th St., Corvallis, OR 97330, proposes a point of diversion change under Certificate 41975. The right allows the use of 0.48 cubic foot per second from MARYS RIVER (tributary of Willamette River) in Sec. 13, T 12 S, R 6 W, W.M. for irrigation in Sec. 13. The applicant proposes to move the point of diversion approximately 1800 feet downstream within Sec. 13. 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:	LINCOLN
Transfer:	11464
Water Right:	PERMIT S 40277
Priority Date:	FEBRUARY 28, 1973
Name:	SEAL ROCK WATER DISTRICT C/O JOHN GARCIA 1037 NW GREBE ST SEAL ROCK, OR 97376
Change:	POINT OF DIVERSION
Source:	SILETZ RIVER

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 September 27, 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: DESCHUTES
Permanent Transfer: NOTICE #T-2012-016
Certificate: 83571, 76714
Priority Date: 1900, 1907, 1913
Name: CENTRAL OREGON IRRIGATION DISTRICT
Address: 1055 SW LAKE COURT, REDMOND, OR 97756
Change: POU
Source: DESCHUTES RIVER
Acres: 6.3
Authorized POU: T17S R13E 27
Proposed POU: T17S R13E 27

Transfer Applications: Ground Water Registration Modification

The holder of a ground water certificate of registration may request that the Department recognize a change in point of appropriation, place of use or character of use under the ground water registration. Modifications of ground water registrations are authorized under ORS 537.610(4) and OAR Chapter 382.

The Department seeks public comment on the recently-filed applications for recognition of modifications in ground water registrations listed below. Any person may comment on an application for a ground water registration modification. Comments must be received by the Department on or before September 27, 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 recognized 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: LAKE
Transfer: 11462
Water Right: GR 347
Priority Date: DECEMBER 31, 1922
Name: THE POPLARS RANCH INC.
59234 FORT ROCK RD
SILVER LAKE, OR 97638
Change: POINT OF APPROPRIATION; PLACE OF USE
Source: A WELL

Certificate Issuance

Following is a list of certificates that have been recently issued. If you are viewing this electronically then you should be able to view the certificate by clicking on the underlined blue text. Appeal rights are provided on each certificate document.

If under the file number the "App:" abbreviation for application is provided then any person owning an application, permit or water right certificate subsequent in priority to a certificate listed here may file a protest within three months of issuance of the certificate. See Oregon Revised Statutes 537.260. Rules governing protests are in Oregon Administrative Rules Chapter 690 division 002. Any protest must be accompanied by a protest fee of \$600. (ORS 536.050(1)(j)(A)).

File Number	Basin Number	County	Priority Date	Issue Date	Name
App: G 10510 Cert#-87741	14	KLAM	08/31/1982	08/23/2012	NEVIN CATTLE CO.
App: G 12727 Cert#-87722	9	BAKE	12/09/1991	08/28/2012	ALLEN, ANN S. ALLEN, BLAINE E. ALLEN, JUNE C. ALLEN, BRAD E.
App: G 13659 Cert#-87720	7	UMAT	04/07/1994	08/28/2012	REA, HARRIS REA, DENNIS
App: G 14205 Cert#-87723	8	UNIO	11/20/1995	08/28/2012	DELASHMUTT, WILLIAM A. DELASHMUTT, WILLIAM R. DELASHMUTT, ETTA LOU MCCABE, DONALD BAY, FERN

OREGON WATER RESOURCES DEPARTMENT



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

PUBLIC NOTICE OF WATER USE REQUESTS

August 28, 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"):
enclosed)*

Mail me the order
(payment

Your Name, Address, and Phone Number:

* We are required by law to charge a fee of \$20 to mail a copy of a proposed and final order on a pending water right application or permit extension to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$20 for each type of order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final order and final order are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)