

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
December 25, 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*

There will be no public notice on January 1, 2013.

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.
- * **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.)

Municipal permit extension applications referred to Oregon Department of Fish and Wildlife for review under provisions of OAR 690- 315-0080.
- * **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: Temporary Transfers**
Requests to temporarily change place of use and, if necessary to convey the water to the new place of use, to temporarily change the point of diversion or appropriation.
- * **Transfer 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.
- * **District Water Right Remapping Petition (3111)**
An irrigation district, cooperative or other qualifying association formed to distribute irrigation water had until July 1, 1994, to petition the Water Resources Commission for a change in its water right(s) to reflect actual water use under the provisions of ORS 541.325 to 541.333.

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, January 24, 2013. Although we cannot respond individually to all comments, each will be considered as the agency makes its permit decision.

Proposed Final Order Stage (PFO in the "Stage" column of the permit listing)

The proposed final order is the Department's preliminary decision on the water use request. It will indicate how the comments received on the application in the first stage were considered. The PFO documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use. Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$20. (Any person paying \$20 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem Office or at the district watermaster office nearest the proposed use. Those disagreeing with the Department's decision as expressed in the PFO have 45 days to file a protest.

The protest deadline for proposed final orders appearing in this public notice is 5pm, Friday, February 08, 2013.

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 | 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

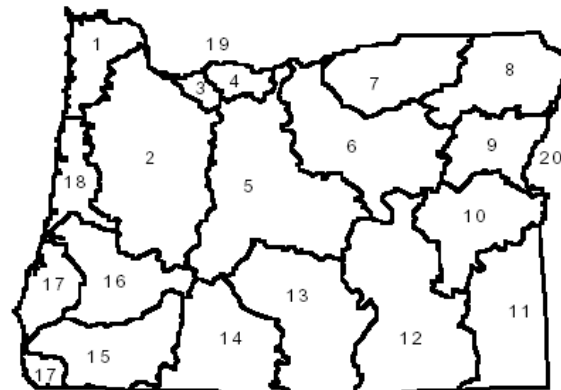
THIRD LINE:

- * 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 |

Commonly used "Type of Use" abbreviations (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 |



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 |
|-------------------------|-------|--------|------------|--------------------------------------|------------|------------|
| S-87492 | 2 | MARI | 06/30/2009 | OPAL CREEK ANCIENT FOREST CENTER | TOM ATIYEH | 12/13/2012 |
| S-87808 | 15 | JACK | 05/21/2012 | DEL RIO VINEYARDS LLC | | 12/17/2012 |
| G-17554 | 10 | MALH | 04/17/2012 | SNAKE RIVER CORRECTIONAL INSTITUTION | | 12/20/2012 |

**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 January 24, 2013. 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-10207
Permit Number: G-9283
AVION WATER CO. INC. 60813 PARRELL RD BEND, OR 97702
Deschutes County
TWO WELLS >
0.5570 CFS
QUASI-MUNICIPAL USES
October 1, 2027

**CORRECTIONS TO DEC. 18, 2012 NOTICE: Pending Municipal Permit Extension Applications
Sent to Oregon Department of Fish and Wildlife for Review**

Consistent with OAR 690-315-0080 the Department must notify Oregon Department of Fish and Wildlife of certain pending municipal water use extension applications. If applicable under OAR 690-315-0080 any undeveloped portion of a municipal permit must be conditioned to maintain the persistence of listed fish species in the portions of waterways affected by water use under the permit. The following applications were inadvertently placed on notice as having been referred to the Oregon Department of Fish and Wildlife on December 14, 2012. They have not been referred to Oregon Department of Fish and Wildlife.

Application File Number: R-25855

Permit Number: R-2568

Applicant: City of Astoria

Water Source: Youngs River Reservoir, Youngs River, tributary of the Columbia River

Authorized Use of Water Under Permit: Municipal

Application File Number: R-32825

Permit Number: R-2563

Applicant: City of McMinnville

Water Source: McMinnville 4B, Walker Creek, tributary of Nestucca River and Pacific Ocean

Authorized Use of Water Under Permit: Municipal

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 January 24, 2013. 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) Common name of water source(s) listed in the permit;
- (e) Use of water allowed under the permit;

CITY OF WALDPOR
APPLICATION NUMBER: S-23660 PERMIT NUMBER: S-18654
LINCOLN COUNTY
ECHMAN CREEK IN ALSEA BAY BASIN
MUNICIPAL USE

CITY OF WALDPOR
APPLICATION NUMBER: S-29939 PERMIT NUMBER: S-23587
LINCOLN COUNTY
ECHMAN CREEK IN ALSEA BAY BASIN
MUNICIPAL USE

CAMERON CURTISS
APPLICATION NUMBER: G-15668 PERMIT NUMBER: G-15253
KLAMATH COUNTY
TWO WELLS IN DENNY CREEK BASIN
IRRIGATION AND SUPPLEMENTAL IRRIGATION

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 January 14, 2013. 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: Josephine

Instream Lease Number: IL 1261

Contact: KODY THURGOOD at 503-986-0892

Reach: AT THE POD

| Cert# | Permit | Priority | Use | Rate (cfs) | Duty (acf) | Source | Tributary to | Acres |
|------------|--------|----------|-----|------------|------------|--------------|--------------------------|-------|
| Cert:50158 | RR * | 1875 | IR | 0.96 | | SUCKER CREEK | EAST FORK ILLINOIS RIVER | 47.0 |

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 January 24, 2013. 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: MARION
Transfer: 11505
Water Right: CERT 56068; 83504
Priority Date: AUGUST 24, 1977; NOVEMBER 24, 1987
Name: KLUPENGER NURSERY
24075 KLUPENGER RD NE
AURORA, OR 97002
Change: PLACE OF USE; USE
Source: THREE WELLS

Transfer Preliminary Determinations

A Preliminary Determination provides the Department's conclusion as to whether a proposed change in place of use, point of diversion or appropriation, or character of use of an existing water right should be approved. Changes of water rights may be proposed in an application for transfer (including instream, historic POD, exchange, substitution or ground water registration modification).

The Department has issued preliminary determinations on the transfer applications listed below. In addition to this notice, the Department is complying with ORS 540.520(2) that requires publication of notice in a local newspaper for all transfers except those proposing a change in place of use only or a change in point of diversion of less than ¼ mile where there are no intervening diversion points.

Any person may protest the application and preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-0900, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant and \$300.00 protest fee for applicant. A Water Right Transfer Protest Form is available at <http://www.oregon.gov/OWRD/PUBS/forms.shtml> or by calling 503-986-0888. Protests must be received by the Department on or before January 24, 2013, 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-11451, filed by the City of Toledo, C/O Adam Denlinger, PO Box 220, Toledo, OR 97391, proposes a transfer under Certificates 87645 and 14396. The rights allow the use of 3.09 cubic feet per second from the Siletz River in Sec. 9, T 10S, R 10W, W.M. for municipal purposes in Secs. 7, 8, 16, 17, 18, 19, and 20, T 11S, R10W. The applicant proposes to move the point of diversion upstream within Sec. 9, T 10S, R 10W, and to change the place of use to include all land within the service boundaries of the City of Toledo. The Water Resources Department proposes to deny the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000, due to injury to two instream water rights, unless Oregon Department of Fish and Wildlife and Oregon State Parks and Recreation Department recommend consent to injury of the instream water rights.

T-11465 filed by Mill Creek Land LLC, Attn: Mark G. Copeland, 7900 NE Mill Creek Rd, Prineville, OR 97754, proposes a place of use change under Certificates 83657 and 83658. The rights allow the use of 0.38 cubic foot per second from Mill Creek in Sec. 22 and 35, T 14 S, R 17 E, W.M. for Irrigation in Sec. 26 and 35. The applicant proposes to change the places of use of the two rights within Sec. 26 and 35. 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: | 11507 |
| Water Right: | CERT 48612 |
| Priority Date: | NOVEMBER 30, 1977 |
| Name: | HUFFORD ESTATES LLC KENNETH HUFFORD PO BOX 99 FORT ROCK, OR 97735 |
| Change: | POINT OF APPROPRIATION; PLACE OF USE |
| Source: | A WELL |

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: DESCHUTES
Transfer: 11506
Water Right: PERMIT G 16834
Priority Date: JULY 16, 2007
Name: STEPHEN ROTH
41600 HWY 20
BROTHERS, OR 97712
Change: POINT OF APPROPRIATION; 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 January 24, 2013. 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
Transfer: 11504
Water Right: CERT 74146; 76106
Priority Date: AUGUST 5, 1900, SEPTEMBER 30, 1900,
APRIL 28, 1905, MAY 27, 1907, JUNE 1, 1907;
DECEMBER 8, 1961
Name: FRAN DEROCK
64697 COOK AVE
BEND, OR 97701
Change: PLACE OF USE
Source: TUMALO CREEK

Notice of District

County: DESCHUTES
Permanent Transfer: NOTICE #T-2012-0026
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: 0.3
Authorized POU: T16S R14E SEC 21
Proposed POU: T16S R14E SEC 21

**Proposed Order Approving
District Water Right Remapping Petition (3111)**

An irrigation district, cooperative or other qualifying association formed to distribute irrigation water had until July 1, 1994, to petition the Water Resources Commission for a change in its water right(s) to reflect actual water use under the provisions of ORS 541.325 to 541.333. The Director can issue a proposed order approving the petition and maps if the petitioner has met the statutory requirements.

The petitioner is required to publish notice in a local newspaper that a proposed order has been issued. The proposed order and petition can be reviewed at the Parkdale Fire Department, 4895 Baseline Dr., Parkdale, Oregon, or at The Dalles office of the Oregon Water Resources Department, 2705 E 2nd St., The Dalles, Oregon.

Comments on proposed orders can be submitted to the Department by any person. Protests can be filed only by water users as defined under ORS 541.325(3). Protests should be submitted with the statutory \$600 filing fee to the Oregon water Resources Department, attn. – Greg Nelson, 725 Summer Street NE, Suite A, Salem, OR, 97301.

HOOD RIVER COUNTY
MOUNT HOOD IRRIGATION DISTRICT

Based on a review of the petition and findings report, the Director has found that Mount Hood Irrigation District has met the requirements of ORS 541.325 to 541.333.

On December 19, 2012, the Director issued a proposed order approving the petition and map submitted by Mount Hood Irrigation District to confirm the present use of water for irrigation of 975.22 acres and supplemental irrigation of 28.30 acres. The water rights modified by the petition, petitioned place of use, points of diversion and source of water are described in the proposed order.

OREGON WATER RESOURCES DEPARTMENT



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

PUBLIC NOTICE OF WATER USE REQUESTS
December 25, 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 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.

Alternatively, you may use our new Public Comment tool available on our website. Go to our website: <http://apps.wrd.state.or.us/apps/wr/wrinfo/>, and enter identifying information about the application. On the Water Rights Information Query Results page, use the "Submit a Public Comment" link, or under 'View all Scanned Documents' use the "Submit a Public Comment" link.

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 proposed and final orders on a pending permit or permit extension applications 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 and final orders are also available for viewing – at no charge – at our Salem office or at the local watermaster office or online.)