

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
January 15, 2013

*This notice is also available on our web page at the following address:
http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21*

This publication lists agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests in this week's Public Notice include:

- * **Permit Application Initial Reviews, Proposed Final Orders, and Final Orders**
Applications for permits to use, store, divert or pump surface water or groundwater. Includes applications by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
- * **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.
- * **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, February 14, 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, March 01, 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 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

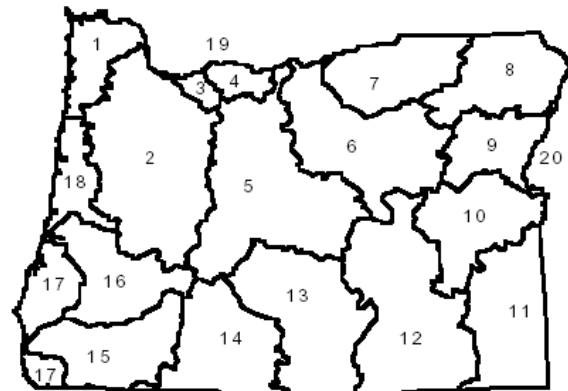
THIRD LINE:

- * 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

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



App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status
G-17594	STEPHENS, DELBERT 46226 ROCK CREEK TOWN RD HAINES, OR 97833						IR 2
9	A WELL > BIG MUDDY CREEK	7.00S 38.00E 25 NWSW	Baker	11/02/2012	2.233C	(est)	
9	A WELL > BIG MUDDY CREEK	7.00S 38.00E 25 NWNW	Baker	11/02/2012	2.233C	(est)	
9	A WELL > BIG MUDDY CREEK	7.00S 38.00E 25 NWNE	Baker	11/02/2012	2.233C	(est)	
Uses: IS							
S-87850	LEE, DELLA 42950 SW FORT HILL RD WILLAMINA, OR 97396	LEE, GEORGE 42950 SW FORT HILL RD WILL					IR 3
2	A SPRING > KLEES CREEK	6.00S 7.00W 4 SWSE	Yamhill	11/05/2012	0.006C		
Uses: DN							
G-17454	NRI INC. 19004 NE SAN RAFAEL PORTLAND, OR 97230	PYXIS LABS 12423 NE WHITAKER WAY PORTLAND,					PFO 2
2	A WELL > COLUMBIA SLOUGH	1.00N 2.00E 23 NWNW	Multnomah	03/16/2011	0.123C	(est)	
2	A WELL > COLUMBIA SLOUGH	1.00N 2.00E 23 NWNW	Multnomah	03/16/2011	0.0C	(est)	
Uses: IM							
G-16948	WESTERN MENNONITE SCHOOL 9045 WALLACE RD NW SALEM, OR 97304						PFO 2
2	A WELL > KING CREEK	6.00S 3.00W 8 NESW	Polk	10/25/2007	0.036C	(est)	
2	A WELL > KING CREEK	6.00S 3.00W 8 NESW	Polk	10/25/2007	0.036C	(est)	
2	A WELL > KING CREEK	6.00S 3.00W 8 NESW	Polk	10/25/2007	0.036C	(est)	
Uses: FP IR							

Permit Application Final Orders

Following is a list of applications that have had final orders issued recently. If you would like a copy of any of the final orders, you may send a request with \$20.00 for each final order to the Water Rights Section, Oregon Water Resources Department, 725 Summer Street NE Ste A, Salem OR 97301. If you have any questions, please contact the Department's customer service staff by dialing 503-986-0801.

Application	Basin	County	Priority	Company	Name	FO Date
G-16985	5	DESC	12/21/2007		JAMES YOUNG	01/03/2013
R-73873	16	DOUG	01/03/1993	U.S. BUREAU OF LAND MANAGEMENT		01/10/2013
R-87763	5	WASC	11/03/2011		IRL DAVIS	01/07/2013

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 February 14, 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: MALHEUR
Transfer: 11518
Water Right: CERT 41126
Priority Date: MAY 4, 1966
Name: RAYMOND S. BELNAP
4137 KOCHSMEIER RD
VALE, OR 97918
Change: PLACE OF USE
Source: A WELL

County: DESCHUTES
Transfer: 11519
Water Right: CERT 85693
Priority Date: MARCH 18, 1998
Name: DUTCH PACIFIC PROPERTIES INC.
PO BOX 3500
SISTERS, OR 97759
Change: POINT OF APPROPRIATION; PLACE OF USE
Source: A WELL

County: DESCHUTES
Transfer: 11520
Water Right: CERT 85693
Priority Date: MARCH 18, 1998
Name: SHANE LUNDGREN
PO BOX 3500
SISTERS, OR 97759
Change: POINT OF APPROPRIATION; PLACE OF USE
Source: A WELL

County: UMATILLA
Transfer: 11521
Water Right: CERT 54769
Priority Date: DECEMBER 31, 1867, DECEMBER 31, 1908
Name: RICHARD BANISTER
43794 HOEFT RD
PENDLETON, OR 97801
Change: POINT OF DIVERSION
Source: BIRCH 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 February 14, 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-10686 filed by Scappoose Sand & Gravel, Co., 33485 East Crown Zellerbach Road, Scappoose, OR 97056, proposes changes in use and place of use under Certificate 83470. The right allows the use of 0.03 cubic foot per second from South Scappoose Creek in Sec. 1, T 3 N, R 2 W, W.M. for washing gravel in Sec. 12. The applicant proposes to change the character of use and place of use to create an instream right, for 0.012 cfs, at the point of diversion in South Scappoose Creek. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540, OAR 690-077-0075 and OAR 690-380-5000.

T-11318 filed by Three Sisters Irrigation District, PO Box 2230, Sisters, OR 97759 and co-applicants: City Of Sisters, PO Box 39; Richard Morrow, PO Box 1671; William Willitts, 800 Buckaroo Trail, ALL of Sisters, OR 97759; Sharon Amestoy, 7209 SE Madison, Portland, Or 97215; David Herman, 57735 Whitehorse Ranch Ln, Fields, Or 97710; Jay R. Poulos, 4389 Croisan Ridge Way S, Salem, Or 97302; Bruce Rognlien, 1679 Alta Mura Rd, Pacific Palisades, Ca 90272; proposes to change the points of diversion for 7.694 cubic feet per second of water rights under Certificates 86824, 83355, 85389, 85391, 86828, 86826, 85392, 85386, 85393, 85387 and 85388, from diversions on Wychus Creek, located within Sec. 21, T15S, R10E, W.M. The applicant proposes to change the points of diversion for all the rights downstream within Sec. 21. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-11434 filed by Pan American Berry Growers LLC, 6826 55th Avenue NE, Salem, OR 97305, proposes a change in point of appropriation under Certificate 28242. The right allows the use of 0.66 cubic foot per second from Van Cleave Well 2 in Sec. 32, T 6 S, R 2 W, W.M. for irrigation in Sec. 32. The applicant proposes to move the point of appropriation within Sec. 32, T 6 S, R 2 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.

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
Xfer: T 7861 Cert#-87773	7	UMAT	10/03/1973	01/15/2013	STAHL, C/O JOHN; STANFIELD HUTTERIAN FARM

OREGON WATER RESOURCES DEPARTMENT



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Salem OR 97301**

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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.)