

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
**March 12, 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](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.
- \* **Expedited Secondary Applications to Use Stored Water**  
Applications to use stored water exclusively, filed under a simplified review process.
- \* **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.
- \* **Application for Instream Lease**  
Application by water right holder to lease existing water rights to instream use.
- \* **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.
- \* **Recommendation to Consent to Injury**  
A recommendation from the agency that requested establishment of an instream water right for the Department to consent to injury of the instream water right resulting from a transfer.

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 28, 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 15, 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

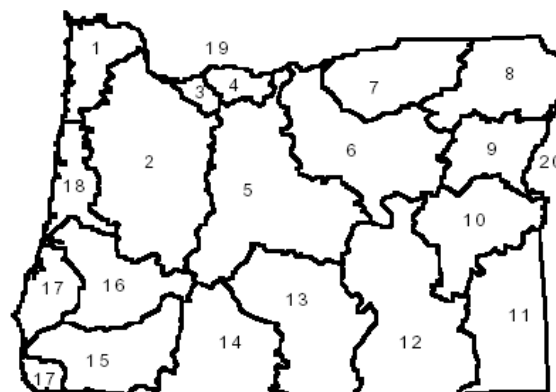
### THIRD LINE:

- \* 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



App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status
<a href="#">G-17602</a>	CAMERON BUCK 17728 BUTTEVILLE RD NE WOODBURN, OR 97071						IR 2
2	A WELL > SENECA CREEK	5.00S 2.00W 22 SWSE	Marion	12/04/2012	2.5C		
Uses:	NU						
<a href="#">R-87865</a>	RIVER REFUGE SEED LLC 26366 GAP RD BROWNSVILLE, OR 97327						IR 2
2	RUNOFF > COURTNEY CREEK	14.00S 3.00W 12 NENE	Linn	02/14/2013	2.5A		
2	DRAIN > COURTNEY CREEK	14.00S 3.00W 12 NENE	Linn	02/14/2013	2.5A		
2	RUNOFF > COURTNEY CREEK	14.00S 3.00W 12 NESW	Linn	02/14/2013	12.25A		
2	DRAIN > COURTNEY CREEK	14.00S 3.00W 12 NESW	Linn	02/14/2013	12.25A		
2	RUNOFF > COURTNEY CREEK	14.00S 3.00W 12 NESE	Linn	02/14/2013	4.55A		
2	DRAIN > COURTNEY CREEK	14.00S 3.00W 12 NESE	Linn	02/14/2013	4.55A		
2	RUNOFF > COURTNEY CREEK	14.00S 3.00W 12 NESE	Linn	02/14/2013	1.45A		
2	DRAIN > COURTNEY CREEK	14.00S 3.00W 12 NESE	Linn	02/14/2013	1.45A		
2	RUNOFF > COURTNEY CREEK	14.00S 3.00W 12 NESW	Linn	02/14/2013	3.1A		
2	DRAIN > COURTNEY CREEK	14.00S 3.00W 12 NESW	Linn	02/14/2013	3.1A		
Uses:	MP						
<a href="#">G-17613</a>	MILLER, DAVE 58518 HWY 78 BURNS, OR 97720						IR 3
12	A WELL > HOT SPRINGS SLOUGH	24.00S 33.00E 35 SESW	Harney	12/21/2012	2.0C		
Uses:	IR						
<a href="#">G-17571</a>	JUNIPER BASIN RANCH LLC PO BOX 491942 REDDING, CA 96049-1942						PFO 2
12	A WELL > MALHEUR LAKE	25.00S 31.00E 19 NENW	Harney	07/18/2012	0.49C (est)		
12	A WELL > MALHEUR LAKE	25.00S 31.00E 18 SESW	Harney	07/18/2012	0.49C (est)		
Uses:	IR						
<a href="#">G-17582</a>	ROCK CREEK RANCH INC. 33123 ROCK CREEK LANE FRENCHGLEN, OR 97736						PFO 2
12	A WELL > SOLOMON CANYON	32.00S 32.00E 30 NWSW	Harney	09/04/2012	2.7C (est)		
12	A WELL > SOLOMON CANYON	32.00S 32.00E 30 NWNW	Harney	09/04/2012	2.7C (est)		
Uses:	IR						

App#	Basin Source	Township/Range	County	Priority	Quantity	Stage	Status	
<a href="#">G-17592</a>	GOLDEN RULE FARMS INC. PO BOX 255 CHRISTMAS VALLEY, OR 97641						IR	3
12	A WELL > SOUTH FORK MALHEUR RIVER	27.00S 34.00E 6 NENE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > SOUTH FORK MALHEUR RIVER	27.00S 34.00E 6 SENE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > SOUTH FORK MALHEUR RIVER	27.00S 34.00E 6 SWNW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > ANDERSON VALLEY	27.00S 34.00E 8 NWSE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > ANDERSON VALLEY	27.00S 34.00E 17 NENE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > ANDERSON VALLEY	27.00S 34.00E 17 SWSW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > ANDERSON VALLEY	27.00S 34.00E 17 NWSW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > ANDERSON VALLEY	27.00S 34.00E 19 NENE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > ANDERSON VALLEY	27.00S 34.00E 19 NWSE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	27.00S 32.00E 3 NESE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	27.00S 32.00E 3 NWNE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	27.00S 32.00E 2 SWNW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	27.00S 32.00E 2 SWNE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	26.00S 32.00E 35 SWSW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	26.00S 32.00E 24 SWNW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	26.00S 32.00E 24 NENE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	27.00S 32.00E 6 NWNE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > ANDERSON VALLEY	27.00S 34.00E 20 SESE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > ANDERSON VALLEY	27.00S 34.00E 20 NESW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > ANDERSON VALLEY	27.00S 34.00E 20 NWNW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > ANDERSON VALLEY	27.00S 34.00E 18 SENW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	27.00S 32.00E 9 NWNW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	26.00S 32.00E 23 SENE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	27.00S 32.00E 5 SESE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	27.00S 31.00E 1 NENW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	26.00S 32.00E 26 SWSW	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	26.00S 32.00E 26 NENE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	26.00S 32.00E 34 NENE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	26.00S 32.00E 34 SESE	Harney	10/26/2012	2.67C	(est)		
12	A WELL > MALHEUR LAKE	27.00S 32.00E 10 NENE	Harney	10/26/2012	2.67C	(est)		

Uses: IR

## Final Orders - Permit & License Applications

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

Application	Basin	County	Priority	Company	Name	FO Date
<a href="#">G-17526</a>	5	JEFF	01/24/2012		GLENN FESSLER	02/28/2013
<a href="#">R-87807</a>	2	MULT	05/18/2012	HOLLOW GOOSE FARM LLC		02/28/2013
<a href="#">R-87814</a>	2	YAMH	06/07/2012		BRIAN MAHON	02/28/2013
<a href="#">S-87675</a>	2	LANE	01/03/2011	EUGENE WATER AND ELECTRIC BOARD		02/28/2013
<a href="#">S-87775</a>	13	LAKE	12/30/2011	ANDERSON ENGINEERING AND SURVEYING INC.		02/28/2013
<a href="#">S-87824</a>	16	DOUG	07/24/2012	LIDO LLC		02/28/2013
<a href="#">G-17518</a>	7	UMAT	12/15/2011		WILLIAM PELLETIER	03/07/2013
<a href="#">S-87827</a>	16	DOUG	08/03/2012		MICHAEL FOLLMAR	03/07/2013
<a href="#">LL-1433</a>	7	UMAT	08/31/2012	HUDSON BAY DISTRICT IMPROVEMENT CO., INC.	JON BROUGH	03/11/2013

## **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 April 27, 2013.**

### R-87867

HAMPTON, DONNOVAN F. AND PATRICIA A.  
PO DRAWER K LA GRANDE, OR 97850  
POD: 1 RUNOFF > GRANDE RONDE RIVER  
SW 1/4 SW 1/4 Section 12T 3.00S R 36.00E WM  
Union County  
3.0 AF for LIVESTOCK (est.)  
3.0 AF for WILDLIFE (est.)

### R-87868

HAMPTON, DONNOVAN F. AND PATRICIA A.  
PO DRAWER K LA GRANDE, OR 97850  
POD: 1 RUNOFF > GRANDE RONDE RIVER  
SW 1/4 NE 1/4 Section 12T 3.00S R 36.00E WM  
Union County  
3.0 AF for LIVESTOCK (est.)  
3.0 AF for WILDLIFE (est.)

### R-87869

HAMPTON, DONNOVAN F. AND PATRICIA A.  
PO DRAWER K LA GRANDE, OR 97850  
POD: 1 RUNOFF > GRANDE RONDE RIVER  
SE 1/4 NW 1/4 Section 7 T 3.00S R 37.00E WM  
Union County  
3.0 AF for LIVESTOCK (est.)  
3.0 AF for WILDLIFE (est.)

### R-87282

KEMMER, JAMES L.  
PO BOX 1054 LONG BEACH, WA 98631  
POD: 1 A SPRING > ALDER CREEK  
SW 1/4 SE 1/4 Section 6 T 8.00S R 24.00E WM  
Wheeler County  
1.5 AF for MULTIPLE PURPOSE

### R-87284

KEMMER, JAMES L.  
PO BOX 1054 LONG BEACH, WA 98631  
POD: 1 UNNAMED STREAM > ALDER CREEK  
SW 1/4 NW 1/4 Section 5 T 8.00S R 24.00E WM  
Wheeler County  
0.75 AF for MULTIPLE PURPOSE

## **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 **February 21, 2013**. 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 rediversion point(s).

S-87864  
DAYSPRING PARTNERS LLC  
BISENIUS, JIM  
15350 SW SEQUOIA PARKWAY SUITE 250  
PORTLAND, OR 97224  
POD: 1 A LAKE > WEST BRANCH ROCK CREEK  
SE 1/4 NW 1/4 Section 22T 13.00S R 24.00E WM  
Wheeler County  
12.0 AFT for POND MAINTENANCE

S-87866  
NORRIS FARMS LLC  
8181 OAK HILL RD  
ROSEBURG, OR 97471  
POD: 1 A RESERVOIR > COW CREEK  
SW 1/4 NE 1/4 Section 28T 31.00S R 4.00W WM  
Douglas County  
111.5 AFT for IRRIGATION (est.)  
  
POD: 2 COW CREEK > SOUTH UMPQUA RIVER  
NE 1/4 NW 1/4 Section 33T 30.00S R 5.00W WM  
Douglas County  
0.0 AFT for IRRIGATION (est.)



**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 February 21, 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: S-83751  
Permit Number: S-53618  
HUMBERT, WALTER J  
54107 BIRCH CREEK RD  
MILTON FREEWATER, OR 97862  
Umatilla County  
WALLA WALLA RIVER > COLUMBIA RIVER BASIN  
0.78 CFS IN MARCH AND 0.29 CFS IN APRIL  
FROST PROTECTION ON 7.0 ACRES  
October 1, 2018

Application Number: G-15933  
Permit Number: G-15536  
HINER, DIEHL J. AND NICKI  
PO BOX 109  
NORTH POWDER, OR 97867  
Union County  
A WELL > WOLF CREEK BASIN  
2.8 CFS  
SUPPLEMENTAL IRRIGATION ON 500.0 ACRES  
October 1, 2018

Application Number: G-12485  
Permit Number: G-12033  
KOEHN, CAMERON L. AND RACHEL A.  
9530 BEDFORD ST  
PASCO, WA 99301  
Harney County  
WELL 2 > SILVIES RIVER BASIN

WELL 5 > SILVIES RIVER  
2.58 CFS  
IRRIGATION OF 206.0 ACRES  
October 1, 2022

## 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 April 02, 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. If you have questions or comments please contact Joan Smith 503-986-0898 or [Joan.M.SMITH@wrd.state.or.us](mailto:Joan.M.SMITH@wrd.state.or.us)

County: Deschutes  
Instream Lease Number: IL 1267

\*\* Lessor \*\*  
SWALLEY IRRIGATION DISTRICT  
64672 COOK AVE SUITE 1  
BEND, OR 97701

\*\* Lessee \*\*  
DESCHUTES RIVER CONSERVANCY MITIGATION BANK  
700 NW HILL ST  
BEND, OR 97701

Reach: FROM THE POD (SWALLEY MAIN CANAL) TO THE MOUTH OF THE DESCHUTES RIVER

Cert# Acres	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to
Cert:74145 61.7	CF RR *	9/1/1899	IR	0.0471	408.08	DESCHUTES R	COLUMBIA R

## **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 March 28, 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-11287 filed by Muir and McDonald Tannery, 561 SW Hayter St., Dallas, OR 97338, proposes changes in place of use and character of use under Certificate 38639. The right allows the use of 0.18 cubic foot per second (cfs) from Rickreall Creek in Sec. 32, T7S, R5W, W.M. for industrial (tannery) use in Sec. 32. The applicant proposes to create an instream use in Rickreall Creek from the point of diversion to the mouth at a maximum of 0.10 cfs. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540, OAR 690-380-5000 and OAR 690-077-0075.

## **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: MALHEUR  
Transfer: 11542  
Water Right: CERT 40436  
Priority Date: SEPTEMBER 27, 1965  
Name: FARMLAND RESERVE INC  
597 GROVE RD  
ONTARIO, OR 97914  
Change: PLACE OF USE  
Source: SNAKE RIVER

## **Recommendation to Consent to Injury**

Pursuant to ORS 540.530(1)(c) and OAR 690-380-5050, the state agency that requested establishment of an instream water right has recommended that the Water Resources Department consent to the injury of the instream water right resulting from a proposed change in point of diversion. Copies of the transfer documents and the state agency's recommendation are available for viewing at the Salem office of the Water Resources Department.

Any person may review the recommendation and submit written comments or may submit a written request for a public meeting to review the recommendation. The comments or request for a meeting must be received on or before March 28, 2013. To review the recommendation, contact the Water Resources Department Transfers Section. Written comments and requests for a public meeting should be mailed to Transfers Section, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1271 or faxed to 503-986-0903.

### **Notice of Receipt of Recommendations to Consent to Injury for Water Right Transfer T-10938**

T-10938 filed by Lee Schrier, PO Box 81, Dayville, OR 97825, proposes an additional point of diversion (POD) and change in POD under Certificate 12096. The right allows the use of 0.035 cubic foot per second (cfs) April-May; 0.017 cfs June-September, from the South Fork John Day River in Sec. 13, T13S, R26E, W.M. for irrigation in Sec. 13. The applicant proposes to move the POD approximately 0.4 mile upstream in Sec. 13, and to add a POD approximately 0.7 mile upstream in Sec. 24. The Department determined that the transfer would injure instream water right Certificate 59794. The Oregon Department of Fish and Wildlife (ODFW) and Department of Environmental Quality (DEQ) concluded that the transfer would result in net benefits to the resource if conditioned to require maintenance of ODFW-approved fish screens on the Miller Ditch and at the Gillespie and Harlan pump stations; and if made contingent on concurrent approval of T-10940, which proposes to move a POD downstream within a 3.4 mile-long reach. The combined effects of these two transfers, and a third transfer (T-10939) proposed to be approved concurrently, would include increased fish passage and enhanced habitat due to removal of three gravel push-up dams, and better water quality and cooler water temperatures as a result of a net increase in streamflow for approximately 4.57 miles.

Copies of the WRD's Preliminary Determination proposing denial of the transfer and ODFW's and DEQ's recommendations are available for viewing at the Salem office of the Water Resources Department. Any person may review the recommendation and submit written comments or may submit a written request for a public meeting to review the recommendations. The comments or request for a meeting must be received by WRD on or before April 11, 2013.

WRD will provide copies of any comments submitted in response to this notice to ODFW and DEQ. If a meeting is requested, WRD will schedule a joint public meeting with ODFW and DEQ to review the recommendations. To review the recommendations, contact Dorothy Pedersen at 503-986-0890 or e-mail

Dorothy.I.Pedersen@wrd.state.or.us. Written comments and requests for a public meeting should be mailed to Attn: Dorothy Pedersen, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1266 or faxed to 503-986-0903.

**Notice of Receipt of Recommendations to Consent to Injury for  
Water Right Transfer T-11121**

T-11121 filed by Paul & Dixie Schanno, 82163 Dufur Valley Rd., Dufur, OR 97012, proposes changes in point of diversion (POD) and place of use under Certificate 5678. The applicants propose to move the POD for 0.9625 cfs for irrigation of 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 POD for 0.025 cfs for irrigation of 1 acre of land approx. 2800 feet downstream (Sec. 3, T 1 S, R 14 E, W.M.) The Department determined that the transfer would injure instream water right Certificates 59678 and 64744 due to the upstream POD movement. However, the Oregon Department of Fish and Wildlife (ODFW) and Department of Environmental Quality (DEQ) concluded that the transfer would result in net benefits to the resource if conditioned to require the following: 1) concurrent approval of application T-11120, which proposes to transfer portions of Certificates 48992, 50112 and 5678 to instream use; 2) limiting diversion of water for the 38.5 acres of the right being transferred to an upstream POD, to times when instream water right Certificates 59678 and 64744 are met; and 3) reducing the diversion rate for the portion of the 1869 water right transferred upstream (in combination with Certificate 48907 not to exceed 0.76 cfs for both rights) when the 1972 rights being transferred instream under transfer T-11120 are regulated off. The above condition #2 limitations on the times when water may be diverted for the acres transferred to the upstream POD will no longer apply if the POD is transferred back downstream to the original POD or further downstream. If the holder of the 38.5 acres of the 1869 water right leases that right or other water rights instream, ODFW and OWRD may negotiate with the water right holder to alter the restrictions under condition #2. These conditions would result in a net increase in streamflow in a proximal reach downstream from the original POD, thereby providing habitat benefits to fish, and no negative impact on stream temperature.

Copies of the WRD's Preliminary Determination proposing denial of the transfer and DEQ's and ODFW's recommendations are available for viewing at the Salem office of the Water Resources Department. Any person may review the recommendations and submit written comments or may submit a written request for a public meeting to review the recommendations. The comments or request for a meeting must be received by WRD on or before April 11, 2013.

WRD will provide copies of any comments submitted in response to this notice to DEQ and ODFW. If a meeting is requested, WRD will schedule a joint public meeting with DEQ and ODFW to review the recommendations.

To review the recommendations, contact Dorothy Pedersen at 503-986-0890 or e-mail Dorothy.I.Pedersen@wrd.state.or.us. Written comments and requests for a public meeting should be mailed to Attn: Dorothy Pedersen, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1266 or faxed to 503-986-0903.

## 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: R 81521 Cert#-87955</a>	2	POLK	09/10/1996	03/12/2013	BROADMEAD LLC
<a href="#">App: S 81522 Cert#-87956</a>	2	POLK	09/10/1996	03/12/2013	BROADMEAD LLC
<a href="#">Xfer: T 10102 Cert#-87951</a>	2	MULT	08/26/1965	03/12/2013	CITY OF PORTLAND; PARKS AND RECREATION DEPARTMENT
<a href="#">Xfer: T 10473 Cert#-87954</a>	2	POLK	12/13/1989	03/12/2013	BROADMEAD LLC
<a href="#">Xfer: T 10761 Cert#-87950</a>	5	DESC	03/18/1998	03/12/2013	WILLIAM SMITH PROPERTIES INC.



# ***OREGON WATER RESOURCES DEPARTMENT***

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

**PUBLIC NOTICE OF WATER USE REQUESTS  
March 12, 2013**

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:**

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\* 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.)