

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
November 17, 2009

*This notice is also available on our web page at the following address:
http://www1.wrd.state.or.us/cgi-bin/notices.pl?water_rights*

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 Limited Licenses**
Requests to use water for 5 years or less. Licenses are subordinate to other rights and may be revoked if a use is found to injure other water right holders.
- * **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.
- * **Aquifer Storage and Recovery (ASR) Limited Licenses**
Limited License applications for ASR testing purposes.
- * **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.

* **Technical Report and Draft Water Right Permit for a Minor Hydroelectric Project**

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 "Jonnine.L.SKAUG@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 applicant has asked the agency to proceed to the next stage of evaluation. 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, December 17, 2009. 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, January 01, 2010.

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 Fridays: October 16, 2009; November 27, 2009; March 19, 2010; April 16, 2010; June 18, 2010; August 20, 2010; September 17, 2010; November 26, 2010; March 18, 2011; and May 20, 2011.

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

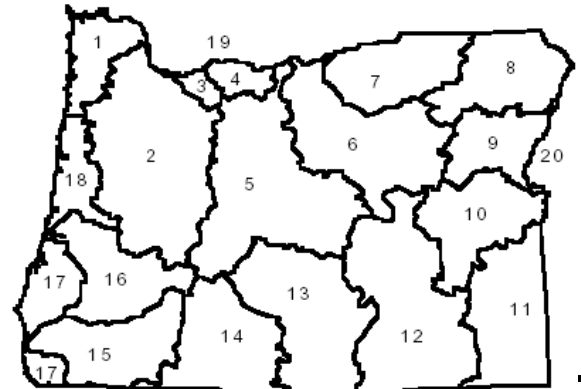
SECOND LINE:

- * 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
G-17193	HERMAN, DAVID WHITEHORSE RANCH LLC	57735 WHITEHORSE RANCH LANE FIELDS	OR	97710-8820			IR 2
	12 A WELL > WHITEHORSE CREEK	37.00S 36.00E 31 NWSW	Harney	03/19/2009	1.6C (est)		
	12 A WELL > WHITEHORSE CREEK	37.00S 36.00E 24 NENW	Harney	03/19/2009	1.6C (est)		
	12 A WELL > WHITEHORSE CREEK	37.00S 36.00E 13 SWSW	Harney	03/19/2009	1.6C (est)		
Uses:	IS						
S-87538	HAAKE, RICHARD H. WHITEWATER RANCH LLC	43137 MCKENZIE HWY LEABURG	OR	97489			IR 2
	2 MCKENZIE RIVER > WILLAMETTE RIVER	17.00S 1.00E 1 NESE	Lane	10/15/2009	2.0C		
Uses:	NU						
G-17217	HERMRECK, ANDY HERMRECK AT THE Y RANCH LLC	PO BOX 36 PAULINA	OR	97751			IR 2
	5 A WELL > PAULINA CREEK	17.00S 23.00E 1 NESE	Crook	05/13/2009	2.0C		
Uses:	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-17116	4	WASC	10/02/2008		GARY BRACE	11/05/2009
G-17153	2	YAMH	12/15/2008	ELK COVE VINEYARDS INC.	ADAM CAMPBELL	11/05/2009
G-17210	2	BENT	05/07/2009		COLLIN CROCKER	11/05/2009
G-17212	2	CLAC	05/05/2009		DENA CLARK	11/05/2009
R-84655	15	JACK	02/01/2001	CITY OF JACKSONVILLE	PAUL WYNTERGREEN	11/05/2009
R-87250	6	WHEE	08/06/2008		CAROL WILLIAMSON	11/05/2009
R-86096	2	CLAC	12/23/2004		ROBERT LYTTLE	11/09/2009
R-87405	5	WASC	02/26/2009		DON SKINNER	11/09/2009
G-16839	2	MARI	04/27/2007	T AND D LAND LLC	THOMAS FESSLER	11/12/2009
G-16913	3	MULT	08/07/2007	.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE; COL		11/12/2009
G-17168	12	HARN	01/23/2009	FIVE GUYS GOOSE CLUB		11/12/2009
R-87258	15	JOSE	08/18/2008		JOHN HORNE	11/12/2009
R-87262	6	GILL	08/20/2008		MARK HANNA	11/12/2009
R-87435	2	BENT	04/09/2009		ROGER KING	11/12/2009
R-87484	8	UNIO	06/26/2009		SCOTTY HINDMAN	11/12/2009

Application	Basin	County	Priority	Company	Name	FO Date
S-86686	1	COLU	09/25/2006	MORSE BROS INC.		11/12/2009
R-87486	2	YAMH	06/29/2009		ROSALBA GOFFENA	11/13/2009
R-87478	2	POLK	06/25/2009		BOGDAN CACEU	11/17/2009
R-87479	2	POLK	06/25/2009		BOGDAN CACEU	11/17/2009
G-17100	12	HARN	09/12/2008		BOB KERBY	11/17/2009
R-87196	6	WHEE	06/12/2008		ADRIAN FISHER	11/17/2009
R-87445	16	DOUG	04/22/2009		THOMAS HANSCH	11/17/2009
R-87461	15	JOSE	05/29/2009		BRYAN HALL	11/17/2009

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 January 16, 2010.

R-87545

ST GEORGE, EDWARD

6563 TRIGO RD

GOLETA CA 93117

POD: 1 RUNOFF > JACKSON CREEK

SE 1/4 SE 1/4 Section 31T 19.00S R 4.00W WM

Lane County

9.0 A 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 **December 17, 2009**. 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 diversion point(s).

S-87533
UHLING, TERRY T.
J R SIMPLOT CO.
PO BOX 27
BOISE ID 83707
POD: 1 A RESERVOIR > SPIKES GULCH
NE 1/4 NW 1/4 Section 34T 3.00N R 28.00E WM
Umatilla County
353.0 AFT for SUPPLEMENTAL IRRIGATION

POD: 2 A RESERVOIR > BUTTER CREEK
SE 1/4 SE 1/4 Section 5 T 3.00N R 28.00E WM
Umatilla County
535.0 AFT for SUPPLEMENTAL IRRIGATION

S-87542
LAVANWAY, BRADFORD
PO BOX 1331
ROSEBURG OR 97470
POD: 1 SOUTH UMPQUA RIVER > UMPQUA RIVER
NW 1/4 NE 1/4 Section 11T 29.00S R 6.00W WM
Douglas County
0.0 AFT for DOMESTIC EXPANDED (est.)

POD: 2 A RESERVOIR > COW CREEK
SW 1/4 NE 1/4 Section 28T 31.00S R 4.00W WM
Douglas County
2.0 AFT for DOMESTIC EXPANDED (est.)

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 December 1, 2009, 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-1263
PLATEAU FARMS
EUBANKS, LARRY
19028 MONTAGUE LN
ARLINGTON OR 97812

POD: A WELL > EIGHTMILE CAN
NW ¼ NW ¼ SECTION 1 T 01.00N R 21.00E WM
Gilliam County
0.89 C For WIND FARM CONSTRUCTION

**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 December 17, 2009. 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-15966
Permit Number: G-15924
WICHITA NURSERY INC.
9413 S HEINZ RD
CANBY OR 97013
Clackamas County
THREE WELLS > CREAMERY CREEK
A WELL > WHEELER CREEK
4.9 CFS
NURSERY USE ON 152.1 ACRES
October 1, 2017

Application Number: G-16321
Permit Number: G-15881
TPC LLC
32041 CARTNEY DR
HARRISBURG OR 97446
Klamath County
TWO WELLS > WILLIAMSON RIVER
7.38 CFS
IRRIGATION USE ON 47.0 ACRES, SUPPLEMENTAL
IRRIGATION USE ON 543.0 ACRES
October 1, 2011

Application Number: R-72122
Permit Number: R-11878
MCGINNIS, MIKE
MCGINNIS, NICKY
26344 MEDICAL SPRINGS HWY
BAKER CITY OR 97814
BIG CREEK & DITCH WASTE WATER > POWDER RIVER
16.0 AF EACH YEAR BEING, RESERVOIR #1 8.0 AF; RESERVOIR #2 2.0 AF
RESERVOIR # 3 6.0 AF
LIVESTOCK WATERING AND TO BE APPROPRIATED UNDER PERMIT # S-52464, FOR
SUPPLEMENTAL IRRIGATION
October 1, 2014

Application Number: S-72124
Permit Number: S-52464
MCGINNIS, MIKE
MCGINNIS, NICKY
26344 MEDICAL SPRINGS HWY
BAKER CITY OR 97814
Baker County
THREE RESERVOIRS > POWDER RIVER (CONSTRUCTED UNDER PERMIT # R-11878)
16.0 AF EACH YEAR FROM STORED WATER ONLY BEING; 8.0 AF FROM RES # 1, 2.0 AF
FROM RES # 2 AND 6.0 AF FROM RES #3
SUPPLEMENTAL IRRIGATION OF 68.3 ACRES
October 1, 2014

**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 January 01, 2010. 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:	Crook
Application File Number:	G-14101
Permit Number:	G-12761
Applicant:	HERMRECK AT THE Y RANCH LLC
Address:	PO BOX 72 NIPOMO CA 93444
River Basin:	Deschutes Basin
Water Source:	WELL 12 > BEAVER CREEK
Authorized Use of Water:	IRRIGATION ON 25.0 Acres
Maximum Diversion/ Appropriation Rate:	0.31 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 1999 to October 1, 2010.

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 December 08, 2009. 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: Polk

Instream Lease Number: IL 1025

Lessor:
SHENK, WESLEY; RONALD SHENK
SHENK DAIRY
9075 FORT HILL RD
WILLAMINA OR 97396

Contact: KODY THURGOOD at 503-986-0892

Reach: POD TO MOUTH OF SOUTH YAMHILL RIVER

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
62271	OR * S 42925	03/03/2978	IR	0.8	250.0	SOUTH YAMHILL RIVER	YAMHILL RIVER	100.0

County: Coos

Instream Lease Number: IL 1026

Lessor:
CRAMMOND, DAR
US FISH AND WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232

Contact: KODY THURGOOD at 503-986-0892

Reach: POD TO MOUTH OF FAHY'S CREEK

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
56084	OR * S 40928	07/20/1976	IR	2.33	465.0	FAHYS CREEK	COQUILLE RIVER	186.0

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 December 17, 2009. 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:	10974
Water Right:	CERT 85880
Priority Date:	1890
Name:	PHILIP & LAVERN FORD MOERSHELL
Address:	17233 S NEWSOME CREEK RD POST OR 97752
Change:	POU/APOD
Source:	NEWSOME CREEK
Authorized POD:	T17S R19E 5
Proposed APOD:	T16S R19E 32
Authorized POU:	T16S R19E 32
Proposed POU:	T16S R19E 32

Technical Report and Draft Water Right Permit for a Minor Hydroelectric Project

The Department seeks public comment on the following technical report and draft water right permit for a new minor hydroelectric project. Comments must be submitted within 60 days of publication of the notice. The application and supporting documents can be viewed at the Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you would like a copy of the application please contact R. Craig Kohanek (503) 986-0823. A copying fee will be assessed as allowed in ORS Chapter 536.050(1)(e).

The protest filing fee is \$350 for everyone except the applicant. Detailed requirements for filing a protest will be sent with copies of the Technical Report and Draft Water Right Certificate.

Application:	PC 891
Applicant:	City of Gresham
Address:	1333 NW Eastman Parkway, Gresham, OR. 97030
Amount of water:	29 cubic feet per second
Source of water:	Treated outflow of City of Gresham's wastewater treatment plant
Location of the Point of Diversion:	NE 1/4 NE 1/4 of Section 29, Township 1 North, Range 3 East, W.M., Tax lot 500, Multnomah County
Place of Use:	SE 1/4 NE 1/4 of Section 20, Township 1 North, Range 3 East, W.M., Tax lot 200, Multnomah County
Power Purpose:	To sell to Portland General Electric
Power developed:	99 THP

Comments are Due January 15, 2010.

**OREGON
WATER
RESOURCES
DEPARTMENT**



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

November 17, 2009

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 propose final order and final order are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)