

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
June 4, 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.
- * **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.
- * **Application for Instream Lease**
Application by water right holder to lease existing water rights to instream use.
- * **Establishment of Mitigation Credits in the Deschutes Basin pursuant to OAR Chapter 690, Division 521 (ORS 537.746)**
- * **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 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.
- * **Renewal of Aquifer Storage and Recovery (ASR) Limited Licenses (OAR 690-350- 020(5)(c))**
Requests to renew ASR Limited Licenses for 5 years or less.
- * **Proposed Final Order on the Potential for Cumulative Impacts with other Existing, Approved or Proposed Hydroelectric Projects (ORS 543.255)**

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, July 04, 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, July 19, 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

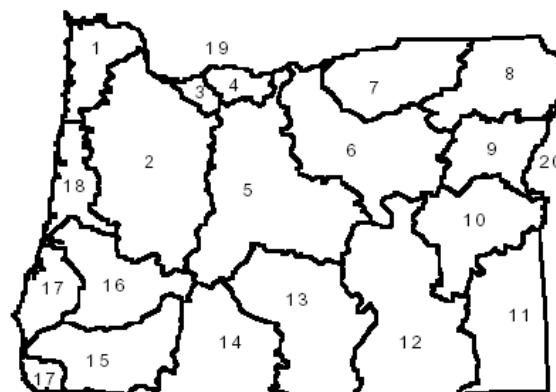
THIRD LINE:

- * 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
G-17610	CAMERER, STEVE 1400 LAKE DR EUGENE, OR 97404 RIVER ROAD PARK AND RECREATION 1400 LAKE DR EU						IR 2
2	A WELL > FLAT CREEK	17.00S 4.00W 14 SWSE	Lane	12/17/2012	0.06C		
Uses:	IR						
G-17628	WOGMAN, LARRY J. 64980 N POWDER RIVER LANE NORTH POWDER, OR 97867						IR 2
9	A WELL > WARM SPRINGS CREEK	7.00S 39.00E 4 SENW	Baker	02/08/2013	2.49C		
9	A WELL > WARM SPRINGS CREEK	7.00S 39.00E 8 NWSW	Baker	02/08/2013	2.0C		
9	A WELL > LITTLE MUDDY CREEK	7.00S 39.00E 17 SENW	Baker	02/08/2013	2.49C		
Uses:	IR IS						
G-17602	BUCK, CAMERON 17728 BUTTEVILLE RD NE WOODBURN, OR 97071-8437						PFO 2
2	A WELL > SENECALE CREEK	5.00S 2.00W 22 SWSE	Marion	12/04/2012	2.5C		
Uses:	NU						

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
G-17659	14	KLAM	04/30/2013	GREAT WESTERN FARM AND RANCHES LLC	SCOTT BALIN	05/23/2013
G-17667	14	KLAM	05/03/2013		RANDALL TURNER	05/23/2013
LL-1463	14	KLAM	05/03/2013	US BUREAU OF RECLAMATION		05/23/2013
G-17673	14	KLAM	05/15/2013		CONSTANCE FRANK	05/31/2013
G-17675	14	KLAM	05/20/2013		ANNIE PATZKE	05/31/2013
LL-1465	6	SHER	05/09/2013	NUTTER CORPORATION	BILL GUNDERSON	06/03/2013

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 July 19, 2013.

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: Umatilla
Application File Number: G-15755
Permit Number: G-15450
Applicant: BROWN, LEONARD
Address: PO BOX 249 MILTON FREEWATER, OR 97862
River Basin: Umatilla Basin
Water Source: A WELL > LITTLE WALLA WALLA RIVER
A WELL > LITTLE WALLA WALLA RIVER
Authorized Use of Water: SUPPLEMENTAL IRRIGATION ON 155.3100 Acres
TEMPERATURE CONTROL
Maximum Diversion/
Appropriation Rate: 3.88 CFS
5.46 CFS
Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2012 to October 1, 2017.

County of Use: Umatilla
Application File Number: G-16174
Permit Number: G-15717
Applicant: EARL BROWN AND SONS INC
Address: PO BOX 249 MILTON FREEWATER, OR 97862
River Basin: Umatilla Basin
Water Source: A WELL > WEST LITTLE WALLA WALLA RIVER
A WELL > WEST LITTLE WALLA WALLA RIVER
Authorized Use of Water: SUPPLEMENTAL IRRIGATION ON 59.8000 Acres
TEMPERATURE CONTROL
Maximum Diversion/
Appropriation Rate: 1.49 CFS
Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2013 to October 1, 2017.

County of Use: Umatilla
Application File Number: G-15614
Permit Number: G-15322
Applicant: BROWN, LEONARD
Address: PO BOX 249 MILTON FREEWATER, OR 97862
River Basin: Umatilla Basin
Water Source: A WELL > WEST LITTLE WALLA WALLA RIVER
A WELL > WEST LITTLE WALLA WALLA RIVER
Authorized Use of Water: SUPPLEMENTAL IRRIGATION ON 163.8600 Acres
TEMPERATURE CONTROL
Maximum Diversion/
Appropriation Rate: 4.10 CFS
5.77 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2012 to October 1, 2017.

County of Use: Clackamas
Application File Number: G-16736
Permit Number: G-16198
Applicant: TOSNEY, TERRY
Address: PO BOX 2077 OREGON CITY, OR 97045
River Basin: Willamette Basin
Water Source: A WELL > CAHILL CREEK
A WELL > CAHILL CREEK
A WELL > CAHILL CREEK
Authorized Use of Water: NURSERY USES ON 40.5000 Acres

Maximum Diversion/
Appropriation Rate: 0.2223 CFS
Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2011 to October 1, 2020.

County of Use: Clackamas
Application File Number: G-15687
Permit Number: G-15817
Applicant: GUEVARA, VICTORIA V.
Address: PO BOX 610 HUBBARD, OR 97032
River Basin: Willamette Basin
Water Source: A WELL > BEAR CREEK
A WELL > BEAR CREEK
Authorized Use of Water: NURSERY USES ON 19.5500 Acres

Maximum Diversion/
Appropriation Rate: 0.378 CFS
Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2009 to October 1, 2022.

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 June 18, 2013, 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-1471

HUDSON, MONJA 9224 BULLOCK RD OAKLAND, OR 97462

POD: 1 GALESVILLE RES > COW CR

NW 1/4 SW 1/4 Section 20T 23.00S R 7.00W WM

Douglas County

4.46 AFT for 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 June 25, 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

County: Wheeler
Instream Lease Number: IL 166

** Lessor **

BOHANNON, MYRNA K.
18802 TAP HORN LANE
MITCHELL, OR 97750

Reach:	FROM THE POD TO THE MOUTH OF THE JOHN DAY RIVER									
Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to		Acres	
Cert:55972	RR * S 44472	8/27/1979	IR	0.17	6.8	JOHN DAY RIVER	COLUMBIA RIVER		6.8	

Reach:	FROM THE POD TO THE MOUTH OF THE JOHN DAY RIVER									
Cert#	Permit	Priority	Use	Rate (cfs)	Duty (acf)	Source	Tributary to		Acres	
Cert:76535	CF * S 3639	1917	IR	0.31	112.52	JOHN DAY RIVER	COLUMBIA RIVER		25.0	

County: Jefferson
Instream Lease Number: IL 1314

** Lessee **

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

** Lessor **

THREE SISTERS IRRIGATION DISTRICT
PO BOX 2230
SISTERS, OR 97759

Reach:	FROM THE POD TO LAKE BILLY CHINOOK								
Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres	
Cert:74135	CF *	1885	IR	2.744	419.08	SQUAW CREEK	DESCHUTES RIVER	137.2	

County: Jefferson
Instream Lease Number: IL 1315

** Lessee **

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

** Lessor **

THREE SISTERS IRRIGATION DISTRICT
PO BOX 2230
SISTERS, OR 97759

Reach:	FROM POD TO LAKE BILLY CHINOOK								
Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres	
Cert:74135	CF *	1885	IR,ST	2.97	453.6	SQUAW CREEK	DESCHUTES RIVER	148.5	

County: Douglas
Instream Lease Number: IL 1316

** Lessor **

PETTY, BENNIRUS
241 KARMA LANE
ROSEBURG, OR 97470

Reach:	FROM THE POD TO THE MOUTH OF NORTH FORK DEER								
Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres	
Cert:81458	RR * S	462	IR	0.341		NORTH FORK DEER CREEK	DEER CREEK	26.9	

Establishment of Mitigation Credits in the Deschutes Basin

ORS 537.746 authorizes the Department to award mitigation credits in the Deschutes Basin to approved mitigation projects. Mitigation credits may be used in the Deschutes Basin, specifically the Deschutes Ground Water Study Area, to mitigate for the impacts of ground water use on surface water flows. Pursuant to OAR Chapter 690, Division 521, upon receipt of notification of a mitigation project, the Department shall give public notice of the intent to establish mitigation credits.

The public is invited to comment on establishment of mitigation credits for the project(s) described below. Comments must be received within 21 days of the date of this public notice. Comments should address the award of mitigation credits to the proposed project and its use for mitigation purposes. Included in this public notice is a preliminary determination as to the amount of mitigation credits that may be available from the proposed project.

Deschutes County

Mitigation Project #: MP-181

Project Applicant: Three Sisters Irrigation District and the Deschutes River Conservancy Mitigation Bank

Mitigation Project

And Process: Instream Lease Application IL-1314 for Certificate 74135
(Also see Instream Leases Section of the June 4, 2013 public notice for application details)

Subbasin/Source: Whychus Creek Subbasin - Whychus Creek, tributary to the Deschutes River

Amount of Water: Proposed Instream: up to 2.744 CFS with a
Maximum Seasonal Volume - 418.08 AF

Current Use: 137.2 acres of Irrigation

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

Preliminary Mitigation

Credit Determination: up to 247.0 Mitigation Credits

May be available for use in the Whychus Creek and General Zones of Impact

Contact: Laura Wilke, Phone: (503) 986-0884

Mitigation Project #: MP-182

Project Applicant: Three Sisters Irrigation District, John Schaad, and the Deschutes River Conservancy Mitigation Bank

Mitigation Project

And Process: Instream Lease Application IL-1315 for Certificate 74135
(Also see Instream Leases Section of the June 4, 2013 public notice for application details)

Subbasin/Source: Whychus Creek Subbasin - Whychus Creek, tributary to the Deschutes River

Amount of Water: Proposed Instream: up to 2.96 CFS with a
Maximum Seasonal Volume - 452.07 AF

Current Use: 148.0 acres of Irrigation

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

Preliminary Mitigation

Credit Determination: up to 266.4 Mitigation Credits

May be available for use in the Whychus Creek and General Zones of Impact

Contact: Laura Wilke, Phone: (503) 986-0884

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 July 04, 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: YAMHILL
Transfer: 11605
Water Right: CERT 22179
Priority Date: SEPTEMBER 14, 1949
Name: RICHARD ROBINSON
PO BOX 100
AMITY, OR 97101
Change: PLACE OF USE
Source: SOUTH YAMHILL RIVER

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:	DOUGLAS
Transfer:	11604
Water Right:	CERT 24251; 77608
Priority Date:	AUGUST 20, 1953; MAY 8, 1962
Name:	MIKE RITCHIE 2307 HUBBARD CREEK RD UMPQUA, OR 97486
Change:	POINT OF DIVERSION; PLACE OF USE
Source:	UMPQUA RIVER

Renewal of Aquifer Storage and Recovery (ASR) Limited Licenses (OAR 690-350-020(5)(c))

ASR means the storage of water from a separate source that meets drinking water standards in a suitable aquifer for later recovery and not having as one of its primary purposes the restoration of the aquifer (ORS 537.531). The use of water for ASR testing purposes requires a limited license pursuant to ORS 537.534. The requirements and procedures of an ASR limited license are different than those for limited licenses pursuant to ORS 537.143. Only after completion of an ASR testing program under a limited license may an applicant apply for a permanent ASR permit. **Public comments must be submitted on or before July 3, 2012.** Following the public comment period, the Department may request additional information regarding the renewal request, renew the limited license, renew the limited license with additional conditions, or deny the request.

An ASR Limited License may be renewed if the applicant demonstrates to the Director's satisfaction that further testing is necessary and that the applicant complied with the terms of the limited license. The standards, findings and process used in the license renewal process shall be as provided in OAR 690-350-0020. The Director may renew an ASR Limited License for a term of not more than 5 years.

WASHINGTON COUNTY

ASR LL #002

Renewal

City of Beaverton
c/o David Winship
PO Box 4755
Beaverton, OR 97096

and

Tualatin Valley Water District
c/o Peter Boone
1850 SW 170th Ave
Beaverton, OR 97006

The license holder requests to renew the existing ASR limited license for 5 years.

CURRENTLY AUTHORIZED

Diversion of 12.5 MGD from the Bull Run River, a tributary of the Sandy River (up to 2 MGD) and the Tualatin River, a tributary of the Willamette River.

Respectively, these authorizations use authorization of ORS 538.420 and water right Permit S-45455.

Storage of 1.5 billion gallons in a basalt aquifer
Maximum combined injection of 12.5 MGD through 13 wells
Maximum combined withdrawal of 12.5 MGD through 13 wells
For municipal use to meet projected peak or emergency demand

Bull Run River point of diversion: T1S/R5E, Section 26
Tualatin River point of diversion: T1S/R3W, Section 8
ASR Wells: T1S/R1W, Sections 17, 21, 29, 30; T2S/R1W, Section 5; T1S/R2W,
Section 23, 24, 25, 26

Expires July 22, 2013

MODIFICATIONS REQUESTED

Inclusion of an updated well location and ownership table and map into the
ASR limited license
Increase in maximum combined injection and withdrawal to 14.4 MGD
Increase in maximum recovery percentage from 95% to 98% of annually injected
water and year-to-year carryover
Removal of condition 10B or revision from stream flow monitoring to shallow
groundwater monitoring
Removal of Condition 10C regarding impacts to Tyco Property
Removal of Condition 12C regarding minimum groundwater level for ASR
recovery

**Proposed Final Order on the Potential for Cumulative Impacts
with other Existing, Approved or Proposed Hydroelectric Projects
(ORS 543.255)**

Madison Ranches Land 3 LLC - HE 599
Umatilla County

This matter comes before the Director on application of Madison Ranches Land 3 LLC (Applicant) for a hydroelectric project using groundwater as part of an aquifer storage project. The issue before the Director is whether the proposed project may contribute to cumulative impacts with other existing, approved or proposed hydroelectric projects in the same river basin. ORS 543.255. It is presumed that if there are other existing, approved or proposed projects, in the same river basin, there is a potential for cumulative impacts. OAR 690-051-0290(1). This presumption may be rebutted by showing the impacts of the proposed project are so small in extent, short-termed or localized that there is no reasonable likelihood of cumulative impacts. *Id.*

A contested case hearing shall be scheduled concerning the public interest issues of the Project according to ORS 543.230.

The Project as proposed will use up to 10 cubic feet per second of groundwater allocated for aquifer storage within the Butter Creek basin tributary to the Umatilla River. The project is expected to use up to 613 feet of gross head from two pressure relief regeneration units which provide up to 696 theoretical horsepower. Expected output is about 350 horsepower.

The Proposed Order presents findings of facts and conclusions of law to find that this project is the first of its kind in the Butter Creek subbasin of the Umatilla River basin. There are no other existing, approved or proposed hydroelectric projects in the Butter Creek subbasin at this time. A consolidated review of all pending hydroelectric projects in the basin is not required. A contested case hearing on the issue of whether the proposed project might impair or be detrimental to the public interest shall be scheduled within a few months.

Any person may protest this proposed order and request a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes Chapter 183 by filing a protest and request for hearing by **July 5, 2013**. A protest must be in writing, accompanied by a fee of \$600, and received at the Oregon Water Resources Department by **5 p.m. on July 5, 2013**. ORS 536.050(1)(j). Persons may mail or deliver protests and requests for hearing to:

Mary Grainey
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

The proposed final order, application and supporting documents can be viewed at the Water Resources

Department, 725 Summer Street NE, Salem, Oregon 97301. The project is not required to file with the Federal Energy Regulatory Commission (FERC) per docket DI10-4-000.

Any person may be represented by legal counsel at the hearing. Any person requesting a hearing will be notified of the time and place of the hearing and given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before the commencement of the hearing. Any hearing will be held by an administrative law judge from the Office of Administrative Hearings.

If you do not request a hearing within the time specified in this notice, or if you withdraw a request for hearing, notify the Division or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a final order. If the Director issues a final order by default, the Director will designate the Department's file on this matter as the record for the purpose of proving a prima facie case upon default.

For Further Information Contact: Mary Grainey 503-986-0833, Mary.S.Grainey@wrd.state.or.us .

Certificate Issuance

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

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

File Number	Basin Number	County	Priority Date	Issue Date	Name
App: G 16257 Cert#-88360	12	HARN	05/28/2004	05/29/2013	ROOT, ANDY
App: G 16860 Cert#-88331	2	MULT	05/24/2007	05/29/2013	JOHNSON, NANCY JOHNSON, JIM
App: R 80954 Cert#-88334	12	HARN	02/16/1996	05/29/2013	NORTHWEST FARM CREDIT SERVICES ATKINSON, RONALD D. ATKINSON, BONNIE A. ATKINSON, JOHN R. ATKINSON, JOHN R.; JOHN R AND DONNA M ATKINSON ATKINSON, DONNA M. ATKINSON, DONNA M.; JOHN R AND DONNA M ATKINSON
TRUST					
TRUST					

File Number	Basin Number	County	Priority Date	Issue Date	Name
App: S 80953 Cert#-88335	12	HARN	02/15/1996	05/29/2013	NORTHWEST FARM CREDIT SERVICES ATKINSON, RONALD D. ATKINSON, BONNIE A. ATKINSON, JOHN R. ATKINSON, DONNA M. ATKINSON, JOHN R.; JOHN R AND DONNA M ATKINSON ATKINSON, DONNA M.; JOHN R AND DONNA M ATKINSON
					TRUST
					TRUST
Xfer: T 10355 Cert#-88294	2	MULT	05/20/1969	05/29/2013	CITY OF PORTLAND; PARKS AND RECREATION
Xfer: T 7278 Cert#-88222	2	WASH	01/17/1966	06/03/2013	GUTMANN NURSERIES INC.
Xfer: T 7278 Cert#-88223	2	WASH	11/12/1981	06/03/2013	GUTMANN NURSERIES INC.
Xfer: T 8307 Cert#-88344	5	JEFF	10/29/1987	05/29/2013	PORTLAND GENERAL ELECTRIC CO.
Xfer: T 8307 Cert#-88345	5	JEFF	09/25/1958	05/29/2013	PORTLAND GENERAL ELECTRIC CO.
Xfer: T 8474 Cert#-88063	7	UMAT	12/31/1888	06/03/2013	PRATT, KEITH
Xfer: T 8918 Cert#-88067	15	JOSE	12/31/1857	06/03/2013	SOMERS, DANIEL Q.
Xfer: T 9390 Cert#-88061	16	DOUG	07/13/1972	06/03/2013	ARCHULETA, CHRISTOPHER ARCHULETA, LOURIE

File Number	Basin Number	County	Priority Date	Issue Date	Name
Xfer: T 9391 Cert#-88062	16	DOUG	05/11/1972	06/03/2013	ARCHULETA, CHRISTOPHER ARCHULETA, LOURIE
Xfer: T 9465 Cert#-87907	15	JACK	09/13/1923	02/15/2013	CHRISTOPHERSON, MARTINA H. CHRISTOPHERSON JR, JAMES W.
Xfer: T 9654 Cert#-87908	15	JACK	09/13/1923	06/03/2013	CRUZ MENA, ANTONIO

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
June 4, 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)*

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[]
[]

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.)