

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
November 3, 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](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 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.
- \* **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.
- \* **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.
  
- \* **Application 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 03, 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, December 18, 2009.**

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:**

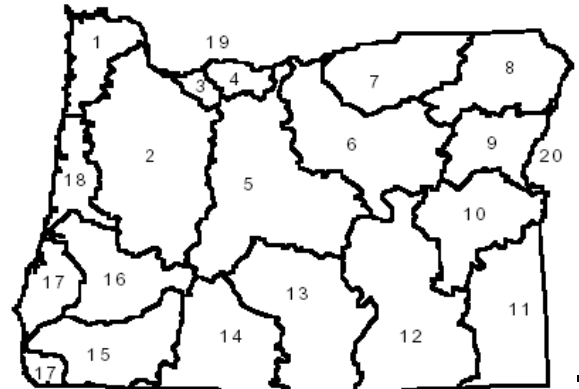
- \* Basin number (see map below right)
  - \* Source > what it flows into
    - (in the case of wells, this describes the basin in which the well is located)
  - \* General legal description
  - \* County & Priority date
  - \* Amount
  - \* Unit of measure:
    - C: cubic feet per second
    - G: gallons 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
<a href="#">G-17207</a>	WALLENDER, FRED D. 65228 AIRPORT LANE	LA GRANDE OR 97850					IR 3
8	A WELL > GEKELER SLOUGH	3.00S 39.00E 29 NWNE	Union	05/01/2009	0.22C		
Uses:	AG						
<a href="#">G-17085</a>	SCENIC FRUIT CO. SCENIC FRUIT CO. 7510 SE ALTMAN RD	GRESHAM OR 97080					PFO 2
2	A WELL > TICKLE CREEK	2.00S 5.00E 30 SENE	Clackamas	07/17/2008	0.25C (est)		
2	A WELL > TICKLE CREEK	2.00S 5.00E 30 SENE	Clackamas	07/17/2008	0.25C (est)		
2	A WELL > TICKLE CREEK	2.00S 5.00E 30 SENE	Clackamas	07/17/2008	0.25C (est)		
2	A WELL > TICKLE CREEK	2.00S 5.00E 30 SESE	Clackamas	07/17/2008	0.25C (est)		
2	A WELL > TICKLE CREEK	2.00S 5.00E 30 SESE	Clackamas	07/17/2008	0.25C (est)		
2	A WELL > TICKLE CREEK	2.00S 5.00E 31 NENE	Clackamas	07/17/2008	0.25C (est)		
Uses:	AG IR IS NU						
<a href="#">G-17198</a>	WILLIAMS, JASON HAY INC. 48857 HWY 30 NORTH POWDER	OR 97867					PFO 2
9	A WELL > WARM SPRINGS CREEK	7.00S 39.00E 4 SENE	Baker	03/30/2009	1.67C (est)		
9	A WELL > WARM SPRINGS CREEK	7.00S 39.00E 4 SESE	Baker	03/30/2009	1.67C (est)		
Uses:	IS						
<a href="#">G-17232</a>	ROMANS, WILLIAM BILL 2200 6TH AVE W VALE	OR 97918					IR 2
10	A WELL > WILLOW CREEK	17.00S 44.00E 22 SESW	Malheur	06/05/2009	1.67C		
Uses:	IR IS						

## ADDENDUM TO THE OCTOBER 27, 2009, PUBLIC NOTICE OF WATER USE REQUESTS

### Application S-87499, US Forest Service; Weber, Chip

The Oregon Water Resources Department's October 27, 2009 Public Notice of Water Use Requests erroneously noted that the Initial Review (IR) was issued with the status of "permit may be issued with conditions" for Applications S-87499 (US Forest Service; Weber, Chip). We are re-noticing Application S-87499 to reflect the correct status of "permit unlikely to be issued". The comment deadline for this IR will now be 5 pm Thursday, December 03, 2009.

<a href="#">S-87499</a>	WEBER, CHIP U.S. FOREST SERVICE; MIDDLE FORK RANGER DISTRICT 46375 HWY 58 WESTFIR OR 97492	IR	3
2	SALT CREEK > MIDDLE FORK WILLAMETTE RIVER 21.00S 3.00E 23 SWNW Lane	09/11/2009	0.009C (est)
2	SALT CREEK > MIDDLE FORK WILLAMETTE RIVER 21.00S 3.00E 23 SWNW Lane	09/11/2009	0.009C (est)
2	SALT CREEK > MIDDLE FORK WILLAMETTE RIVER 21.00S 3.00E 23 SWNW Lane	09/11/2009	0.009C (est)
2	SALT CREEK > MIDDLE FORK WILLAMETTE RIVER 21.00S 3.00E 23 SWNW Lane	09/11/2009	0.009C (est)
2	SALT CREEK > MIDDLE FORK WILLAMETTE RIVER 21.00S 3.00E 23 SWNW Lane	09/11/2009	0.009C (est)

Uses: DO

## 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
<a href="#">G-17133</a>	5	SHER	10/29/2008		MILAN SKORO	10/27/2009
<a href="#">G-17195</a>	15	JOSE	03/23/2009		MICHAEL WERTZ	10/27/2009
<a href="#">G-17216</a>	3	CLAC	05/12/2009	OREGON WILD HARVEST		10/27/2009
<a href="#">G-16009</a>	9	BAKE	05/09/2003	FRASER BROTHERS LLC		10/29/2009
<a href="#">G-17096</a>	2	MARI	08/21/2008	3 D FARMS	CHARLIE DAVIDSON	10/29/2009
<a href="#">G-17151</a>	2	MARI	12/09/2008		PHILIP COLEMAN	10/29/2009
<a href="#">R-87339</a>	15	JOSE	11/17/2008		TOM BATTOE	10/29/2009
<a href="#">R-87402</a>	2	LANE	02/25/2009		KYLE KING	10/29/2009
<a href="#">R-87454</a>	2	YAMH	05/12/2009	REVANA VINEYARDS		10/29/2009
<a href="#">R-87455</a>	2	YAMH	05/12/2009	REVANA VINEYARDS		10/29/2009
<a href="#">R-87477</a>	1	TILL	06/24/2009		EDWIN KELLOGG	10/29/2009

## **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 02, 2010.**

R-87541  
HILL, JOHN C.  
JOHN C HILL REVOCABLE LIVING TRUST  
823 ALDER CREEK CREEK DR  
MEDFORD OR 97504

HILL, WESLEY S.  
WESLEY S HILL REVOCABLE LIVING TRUST  
823 ALDER CREEK CREEK DR  
MEDFORD OR 97504

OCONNER, DANIEL  
823 ALDER CREEK CREEK DR  
MEDFORD OR 97504  
POD: 1 A SPRING > APPELEGATE RIVER  
NW 1/4 NW 1/4 Section 7 T 38.00S R 4.00W WM  
Jackson County  
64.2 C for MULTIPLE PURPOSE

R-87543  
LENTZ, TOMMY  
1881 LANDING RD  
PASCO WA 99301  
POD: 1 RUNOFF > TRAIL CANYON  
SE 1/4 SW 1/4 Section 13T 3.00S R 28.00E WM  
Morrow County  
2.4 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 03, 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-87540  
HAAKE, RICHARD H.  
WHITEWATER RANCH LLC  
43137 MCKENZIE HWY  
LEABURG OR 97489

HAAKE, RICHARD H.  
MCKENZIE RIVER RANCH LLC  
43137 MCKENZIE HWY  
LEABURG OR 97489

MARBUT, A REED  
1107 PAWNEE CIRCLE SE  
SALEM OR 97306

POD: 1 MCKENZIE RIVER > MCKENZIE RIVER  
NE 1/4 NE 1/4 Section 1 T 17.00S R 1.00E WM  
Lane County  
0.0 CFS for IRRIGATION (est.)

POD: 2 BLUE RIVER RESERVOIR > BLUE RIVER  
SE 1/4 SE 1/4 Section 16T 16.00S R 4.00E WM  
Lane County  
118.3 AFT for IRRIGATION (est.)

POD: 3 COUGAR RESERVOIR > SOUTH FORK MCKENZIE RIVER  
SE 1/4 SE 1/4 Section 31T 16.00S R 5.00E WM  
Lane County  
118.3 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 December 03, 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-14754  
Permit Number: G-13619  
YOUNG LIFE'S WASHINGTON FAMILY RANCH  
BILL PALMAYMESA  
WASCO County  
A WELL > MUDDY CREEK  
0.891 CFS  
QUASI-MUNICIPAL USES  
October 1, 2013

Application Number: G-16239  
Permit Number: G-15842  
PATTERSON NURSERY SALES INC.  
PO BOX 99  
BORING OR 97009  
Clackamas County  
A WELL > EAGLE CREEK  
4.456 CFS  
NURSERY USES ON 170.2 ACRES  
October 1, 2019

## 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.

Licenseses must maintain a record of how much water they are using (ORS 537.143). **The Department may approve a license after November 17, 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-1250

MONTY CRUM RANCEHS LLC

CRUM, MONTY

PO BOX 121

IONE OR 97843

POD: 1 A WELL > EIGHTMILE CAN

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 20 T 2.00N R 22.00E WM

Gilliam County

0.89 C for GENERAL CONSTRUCTION OR MAINTENANCE

LL-1251

CITY OF CASCADE LOCKS

SEEGER, BERNARD

PO BOX 308

CASCADED LOCKS OR 97014

POD: 1 A WELL > COLUMBIA R

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 6 T 2.00N R 8.00E WM

Hood River

0.022 C for TESTING WATER QUALITY FOR FISH

**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 December 18, 2009.** 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:	Deschutes
Application File Number:	G-14379
Permit Number:	G-13145
Applicant:	PIEPER, MR DARRELL
Address:	PO BOX 2170 SISTERS OR 97759-2170
River Basin:	Deschutes Basin
Water Source:	A WELL > DESCHUTES RIVER
Authorized Use of Water:	IRRIGATION ON 52.80 Acres
Maximum Diversion/ Appropriation Rate:	0.65 CFS

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial user from October 1, 2010 to October 1, 2015.

## 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 November 24, 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: Douglas

Instream Lease Number: IL 592

Lessor:  
GATES, DAVID  
14078 HWY 38  
ELKTON OR 97436

Lessor:  
HAWKINSON, FRANK D.  
307 AZALEA DR  
ELKTON OR 97436

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM THE POD (RIVER MILE 49.0) TO RIVER MILE 28.0

Cert#	Permit	Priority	Use	Rate(cfs)	Duty(acf)	Source	Tributary to	Acres
38065 OR *	S 33563	05/08/1968	IR	0.04	8.75	UMPQUA RIVER	PACIFIC OCEAN	3.5

## 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 03, 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: TILLAMOOK  
Transfer: 7054  
Water Right: CERT 21365 & 21373  
Priority Date: CERT 21365: AUG 26, 1920 & CERT 21373: DEC 7, 1944  
Name: NESKOWIN REGIONAL WATER DISTRICT  
Address: PO BOX 823, NESKOWIN, OR 97149  
Change: USE & POU  
Source: CERT 21365: 2 UNNAMED STREAMS & CERT 21373: AN UNNAMED CREEK  
Authorized POD: CERT 21365: SW SE, SEC 25, & NE NE, SEC 36, T5S, R11W, W.M.  
CERT 21373: SE NE, SEC 25, T5S, R11W, W.M.  
Proposed POD: INSTREAM  
Authorized POU: CERT 21365: SEC 25, T5S, R11W, W.M.  
CERT 21373: SEC 25, T5S, R11W, W.M.  
Proposed POU: CERT 21365: FROM EACH POD TO MOUTH OF BUTTE CREEK  
CERT 21373: FROM POD TO MOUTH OF BUTTE CREEK  
Authorized USE: MUNICIPAL  
Proposed USE: INSTREAM

## **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 December 03, 2009, 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-9712 filed by James E. Hall, 2320 North Myrtle Road, Myrtle Creek, OR 97457, proposes a change in place of use under Certificate 72452. The right allows the use of .010 cfs (priority date July 23, 1990) from a diversion in Sec. 23, T 29 S, R 5 W, W.M. for expanded domestic use in Sec. 23. The applicant proposes to change the place of use to Sec. 14, T 29 S, R 5 W, W.M. The Water Resources Department has concluded that the proposed transfer appears not to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000, because the applicant has not demonstrated that he is authorized to pursue the transfer. The Department proposes denial of the application. Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0888.



T-10698 filed by MILLER FAMILY TRUST, c/o RON MILLER, PO BOX 65, SHADY COVE OR 97539, proposes a change in point of diversion under Certificate 36144 . The right allows the use of .01 cfs (priority date JULY 5, 1928) from the ROGUE RIVER in Sec. 21, T 34 S, R 1 W, W.M. for IRRIGATION in Sec. 21, T 34 S, R 1 W, W.M. The applicant proposes to change the point of diversion approximately 60 feet downstream to Sec. 21, T 34 S, R 1 W, W.M. 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-10793 filed by DEER CREEK CENTER FOR FIELD RESEARCH & ED., PO BOX 207, SELMA OR 97538, proposes a change in points of diversion, a change in place of use and a change in character of use under Certificates 13864 and 14622 . The rights allow the use of 0.60 and 0.01 CUBIC FOOT PER SECOND (priority date DECEMBER 31, 1897 and June 6, 1938) from SQUAW CREEK AND W.FK. SQUAW CREEK in Sec. 4 & 9, T 38 S, R 8 W & Sec. 33, T 37 S, R 8 W, W.M. for IRRIGATION and DOMESTIC in Sec. 9 & 33. The applicant proposes to move the points of diversion approximately 0.11 miles upstream and 0.27 and 2.0 miles downstream to Sec. 9, T 38 S, R 8 W, W.M.) and to change the place of use to Sec. 9, T 38 S, R 8 W, W.M.; and to change the character of use to quasi-municipal. 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-10847 filed by KEITH SPIERS, 1770 HIGHWAY 201, ADRIAN OR 97901, proposes a change in point of diversion and a change in place of use for a portion of Certificate 42515. The right allows the use of 0.06 CUBIC FOOT PER SECOND (priority date SEPTEMBER 5, 1969) from the SNAKE RIVER in SE SW, Sec. 27, Township 21 S, Range 46 E for IRRIGATION in Sec. 34, Township 21 S, Range 46 E, W.M. The applicant proposes to move the point of diversion approximately 1.25 miles upstream (Sec. 3, T 22 S, R 46 E, W.M.) and to change the place of use to Sec. 3, T 22 S, R 46 E, W.M. 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.

## **Application For A Minor Hydroelectric Project**

The Department seeks public comment on the following application for a new minor hydroelectric project. Comments must be submitted within 30 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 here is the link or contact R. Craig Kohanek (503) 986-0823. A copying fee will be assessed as allowed in ORS Chapter 536.050(1)(e).

Application:	PC 892
Applicant:	City of Portland
Address:	1900 N Interstate Avenue, Portland, OR 97227
Amount of water:	6.68 to 10 cubic feet per second
Source of water:	City of Portland's Mt. Tabor 411 distribution zone (I.e. Reservoirs No. 1 and No. 6) and its water system pipeline.
Location of the Point of Diversion:	NW 1/4 SW 1/4 of Section 5, Township 1 South, Range 2 East, W.M.,
Place of Use:	NE 1/4 SE 1/4 of Section 20, Township 1 North, Range 1 East, W.M.,
Purpose:	To sell to PacifiCorp
Power developed:	Between 45.5 and 59.1 Theoretical Horsepower.

**Comments are Due December 2, 2009**

**OREGON  
WATER  
RESOURCES  
DEPARTMENT**



725 Summer Street NE Ste A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**

November 3, 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:**

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