

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
**January 13, 2015**

*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.
- \* **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.
- \* **Extension of Time Checkpoint Progress Reports filed pursuant to OAR 690-320**  
Documents the progress made toward development of the water use project since approval of the last permit extension and/or the last progress report checkpoint. (OAR 690-320 pertains to permit extension applications filed before July 1, 2001.)
- \* **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.
- \* **District Permanent Transfers (ORS 540.580)**  
Petitions requesting transfers in place of use within a district's boundaries.

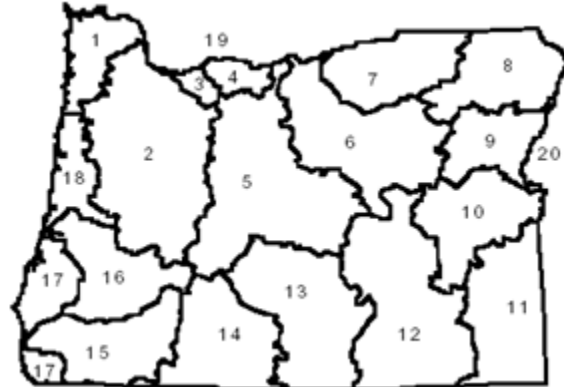
The Public Notice is published each week on the Department's web site at <http://www.wrd.state.or.us/>. If you would like to receive a *free* weekly notification when it is published, please send your request to "Codi.N.Holmes@wrd.state.or.us".

## How to Read the Listing

**App#:**

- G: Groundwater
- R: Reservoir
- S: Surface water
- I: Instream

**County/Basin (See Map)**



**Applicant Name**

**Applicant Address**

**Use/Quantity**

Unit of measure:

- CFS: Cubic feet per second
- GPM: Gallons per minute
- AF: Acre-feet

**Sources/TRS**

**Priority Date**

**Stage/ Status**

- IR: Initial Review
- PFO: Proposed Final Order

| BASINS:        |                    |               |
|----------------|--------------------|---------------|
| 1. North Coast | 8. Grande Ronde    | 15. Rogue     |
| 2. Willamette  | 9. Powder          | 16. Umpqua    |
| 3. Sandy       | 10. Malheur        | 17. S. Coast  |
| 4. Hood        | 11. Owyhee         | 18. Mid-Coast |
| 5. Deschutes   | 12. Malheur L.     | 19. Columbia  |
| 6. John Day    | 13. Goose/Summer L | 20. Snake     |
| 7. Umatilla    | 14. Klamath        |               |

**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            |

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 12, 2015.** 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 \$25. (Any person paying \$25 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, February 27, 2015.**

The protest filing fee is \$350 for the applicants and \$700 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 \$200 to retain the ability to participate in future proceedings relating to an application. Before participation is allowed, an additional \$500 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.

## Initial Review and Proposed Final Orders

App# [S-87927](#)  
County/Basin Douglas / Umpqua(16)  
Applicant Name GAMBILL, WILMA  
367 OSAGE DR  
ROSEBURG, OR 97471  
Sources/TRSQ40Q160 NORTH UMPQUA RIVER > UMPQUA RIVER / 26.00S 6.00W 27 SESW  
Use/Quantity DOMESTIC EXPANDED / 0.010 CFS  
Priority Date 09/05/2013  
Stage/Status PFO / PROPOSE TO APPROVE

App# [G-17855](#)  
County/Basin Clackamas / Sandy(3)  
Applicant Name GAGNON, PAULA AND STEVEN  
3014 NE 36TH AVE  
PORTLAND, OR 97212  
SCRUMPY FARM  
46710 SE JADRNY RD  
SANDY, OR 97055  
Sources/TRSQ40Q160 A WELL > SOUTH FORK BEAVER CREEK / 2.00S 5.00E 34 NESW  
Use/Quantity IRRIGATION / 0.034 CFS  
Priority Date 05/07/2014  
Stage/Status PFO / PROPOSE TO APPROVE

App# [G-17884](#)  
County/Basin Yamhill / Willamette(2)  
Applicant Name SIMON, TED  
11705 SW LANCEFIELD RD  
MCMINNVILLE, OR 97128  
Sources/TRSQ40Q160 A WELL > SALT CREEK / 5.00S 4.00W 19 NWSW  
Use/Quantity IRRIGATION / 0.560 CFS  
Priority Date 07/01/2014  
Stage/Status PFO / PROPOSE TO APPROVE

App# [S-88019](#)  
County/Basin Douglas / Umpqua(16)  
Applicant Name BRANDENBURG, LARRY  
4529 WOLF RUN DR  
MEDFORD, OR 97504  
Sources/TRSQ40Q160 NORTH UMPQUA RIVER > UMPQUA RIVER / 26.00S 5.00W 23 NWSW  
Use/Quantity DOMESTIC EXPANDED / 0.010 CFS  
Priority Date 10/08/2014  
Stage/Status PFO / PROPOSE TO APPROVE

App# [G-17918](#)  
County/Basin Deschutes / Deschutes(5)  
Applicant Name BAKER, DAVID  
40105 HWY 20  
BROTHERS, OR 97712  
ROTH, STEPHEN F.  
41600 HWY 20  
BROTHERS, OR 97712  
Sources/TRSQ40Q160 TWO WELL > LIZARD CREEK / 22.00S 20.00E 10 NWNW  
A WELL > LIZARD CREEK / 22.00S 20.00E 10 SWNW  
Use/Quantity IRRIGATION / 3.09 CFS  
Priority Date 09/04/2014  
Stage/Status IR / PROPOSE TO APPROVE

App# [G-17927](#)  
County/Basin Yamhill / Willamette(2)  
Applicant Name LATCHKEY VINEYARDS LLC  
311 NW 12TH AVE 902  
PORTLAND, OR 97209  
Sources/TRSQ40Q160 A WELL > HARVEY CREEK / 3.00S 3.00W 23 NESW  
Use/Quantity IRRIGATION / 0.216 CFS  
Priority Date 09/18/2014  
Stage/Status IR / PROPOSE TO DENY

## **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 \$25.00 for each final order to the Water Rights Section, Oregon Water Resources Department, 725 Summer Street NE Suite A, Salem OR 97301. If you have any questions, please contact the Department's customer service staff by dialing 503-986-0801.

|                |  |
|----------------|--|
| App#           | <a href="#">G-17622</a>                                      |
| County/Basin   | Marion / Willamette(2)                                       |
| Applicant Name | KLUPENGER, RAY<br>24075 KLUPENGER RD NE<br>AURORA, OR 97002  |
| Priority Date  | 01/25/2013   |
| Issue Date     | 01/13/2015   |
| Status         | ISSUED   |
| App#           | <a href="#">LL-1552</a>                                      |
| County/Basin   | Jackson / Rogue(15)  |
| Applicant Name | BYRD, CONSUELO<br>PO BOX 413<br>TIERRA AMARILLA, NM 87575    |
| Priority Date  | 12/08/2014   |
| Issue Date     | 01/07/2015   |
| Status         | ISSUED   |
| App#           | <a href="#">R-87632</a>                                      |
| County/Basin   | Marion / Willamette(2)                                       |
| Applicant Name | MULLIN, SHERYL<br>3792 VITAE SPRINGS RD S<br>SALEM, OR 97306 |
| Priority Date  | 06/25/2010   |
| Issue Date     | 01/08/2015   |
| Status         | WITHDRAWN  |

**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 12, 2015.** 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 \$25 (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.

|                          |  |
|--------------------------|--|
| App#                     | <a href="#">R-83756</a>                                    |
| Permit Number            | R-12756  |
| County/Basin             | Crook / Deschutes(5)                                       |
| Applicant Name           | MILGARD, JAMES<br>9801 ALLEN POINT<br>GIG HARBOR, WA 98332 |
| Sources/TRSQ40Q160       | RUNOFF > DESERT CREEK / 21.00S 21.00E 18 NWSW              |
| Use/Quantity             | FISH CULTURE / 318.000 AF                                  |
| Proposed Completion Date | 10/01/2021   |

**Extensions of Time Progress**  
**Checkpoint Progress Reports filed pursuant to OAR 690-320**

**Consistent with OAR 690-320-0010(10), the Department will accept public comment on the following Extension of time Checkpoint Progress Reports until February 12, 2015.** Comments must be in writing and must indicate the application file and permit numbers. Following the comment period, the Department shall review evidence to determine whether or not the permit holder has been diligent in developing and perfecting the water use permit and has complied with all terms and conditions of the permit and/or extension of time. Additionally, the Department will provide notice of its determination to anyone who has submitted comments.

App# [G-15817](#)  
Permit Number G-15481  
County/Basin Harney / Malheur Lake(12)  
Applicant Name BIXBY, MATTHEW T.  
RICHMAN, LESLEY M.  
70541 RED BARN RD  
BURNS, OR 97720

WELLS, DONALD E. AND PATRICIA L.  
72023 CRANE BUCHANAN RD  
BURNS, OR 97720

Use IRRIGATION

App# [G-14639](#)  
Permit Number G-13517  
County/Basin Wasco / Hood(4)  
Applicant Name FERRES, BILL  
5125 FIFTEENMILE RD  
THE DALLES, OR 97058

Use SUPPLEMENTAL IRRIGATION



## 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 \$700 protest fee for non-applicant and \$350.00 protest fee for applicant. A Water Right Transfer Protest Form is available at <http://www.oregon.gov/OWRD/PUBS/forms.shtml> or by calling 503-986-0888. Protests must be received by the Department on or before February 12, 2015, 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-11726** filed by Ralph Staver, 3247 NW Vaughn St, Portland, OR 97210 and Wade and Colleen Avery, 1583 Palmer Creek Rd, Jacksonville OR 97530, proposes a change in point of diversion and additional points of diversion under Certificates 19687, 43759, and 57255. Certificate 19687 allows the use of 0.10 cfs from Palmer Cr. in Sec. 7, T40S, R3W, WM for irrigation in Sec. 8, T40S, R3W, WM. The applicant proposes to move the point of diversion to within Sec. 8, T40S, R3W, WM. Certificate 43759 allows the use of 0.17 cfs from the Applegate R in Sec. 8, T40S, R3W, WM for primary and supplemental irrigation in Sec. 8. The applicant proposes additional points of diversion within Sec. 8. Certificate 57255 allows the use of 13.0 ac ft of stored water from Applegate Lake Res in Sec. 8, T40S, R3W, WM for supplemental irrigation in Sec. 8, T40S, R3W, WM. The applicant proposes additional points of diversion within Sec. 8. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

**T-11752** filed by Thomas E. and Karen M. Avinelis, 38615 Densmore Rd. Jefferson, OR 97352, proposes a point of appropriation change under Registration Application GR-917 (Certificate of Registration GR-891). The registration allows the use of 400 gpm from Well #1 in Sec. 17, T10S, R2W, WM for irrigation in Sec. 17. The applicant proposes to move the point of appropriation within Sec. 17, T10S, R2W, WM. The Water Resources Department proposes to approve the modification, based on the requirements of ORS Chapter 540 and OAR 690-382-1000.

**T-11757** filed by Applegate Valley Investments LLC, 7350 New Hope Rd, Grants Pass, OR 97527, proposes additional points of diversion, changes in point of diversion and place of use under Certificates (Cert.) 32854, 32858, 32863, and 61962. Cert. 32854 allows the use of 0.14 cfs, Cert. 32858 allows the use of 0.13 cfs, and Cert. 32863 allows the use of 0.16 cfs, all from the Applegate River in Sec. 19, T37S, R5W, WM for irrigation in Sec. 24, T37S, R6W. For Cert. 32854, the applicant proposes additional points of diversion in Sec. 24, T37S, R6W, WM. For Certificates 32858 and 32863, the applicant proposes additional points of diversion and to change the place of use to Sec. 24, T37S, R6W, WM. Cert. 61962 allows the use of 0.28 cfs from the Applegate River in Sec. 24, T37S, R6W, WM for irrigation in Sec. 24, T37S, R6W, WM. The applicant proposes additional points of diversion within Sec. 24 and to move the point of diversion and place of use within Sec. 24. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

**T-11854** filed by Robinson Farm LLC, PO Box 100, Amity, OR 97101, proposes a point of appropriation change under Registration Application GR-2000 (Certificate of Registration GR-1930). The registration allows the use of 151.6 gpm from a well in Sec. 7, T5S, R4W, WM for irrigation and supplemental irrigation in Sec. 7. The applicant proposes to move the point of appropriation within Sec. 7. The Water Resources Department proposes to approve the modification, based on the requirements of ORS Chapter 540 and OAR 690-382-1000.

**T-11876** filed by Zach Christensen, 17215 SW Christensen Rd., McMinnville, OR 97128, proposes a point of diversion and place of use change under Certificate 62271. The right allows the use of 0.8 cfs from the South Yamhill River in Sec. 16, T6S, R7W, WM for irrigation in Sec. 16. The applicant proposes to move the point of diversion within Sec. 33, T5S, R5W, WM and to change the place of use to Sec. 33, T5S, R5W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

## 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.

|                    |  |
|--------------------|--|
| Transfer           | <a href="#">T 11959</a>  |
| Water Right        | Permit: G 15126  |
| County/Basin       | Umatilla / Umatilla(7)   |
| Applicant Name     | A AND H FARMS LLC; HAMILTON, RICHIE<br>PO BOX 129<br>PENDLETON, OR 97801 |
| Proposed Change    | POINT OF APPROPRIATION, PLACE OF USE                                     |
| Sources/TRSQ40Q160 | A WELL > UMATILLA RIVER / 4.00N 32.00E 35 SESE                           |
| Use/Quantity       | IRRIGATION / 1.000 CFS   |
| Priority Date      | 11/16/2000   |

## District Permanent Transfers (ORS 540.580)

A district may request to permanently change the place of use within district boundaries. A district may provide notice to the Department of a change before it is made, and shall submit a district permanent application prior to the end of the calendar year in which the change occurs. The Department shall approve the transfer application provided it does not cause injury to existing water rights or expand the water use. The final order approving the permanent transfer is subject to protest.

This public notice also includes district notices of proposed changes. The Department will accept comments on injury and enlargement of changes in place of use associated with the notice and use those comments in the review of the proposed change.

The Department seeks public comment on recently filed district transfer applications and notices listed below. The deadline for comments or protests to the transfer application must be received by the Department on or before February 12, 2015. The Department will hold a contested case hearing if: 1) a protest and \$700 protest fee for non-applicant and \$350.00 protest fee for applicant are received within the time allowed; or 2) the Department finds a hearing is needed to determine whether the proposed changes would result in injury to existing rights. (If a water user believes that a proposed change could injure a water delivery within a district's boundaries, the matter will be resolved directly between the district and the water user.)

|                    |  |
|--------------------|--|
| Transfer           | <a href="#">T-11958</a>  |
| Water Right        | Cert:75691   |
| County/Basin       | Malheur / Owyhee(11)   |
| Applicant Name     | OWYHEE IRRIGATION DISTRICT<br>17 S 1ST ST<br>NYSSA, OR 97913   |
| Proposed Change    | PLACE OF USE   |
| Sources/TRSQ40Q160 | OWYHEE RESERVOIR > SNAKE RIVER / 22.00S 45.00E 20 NWSE<br>OWYHEE RIVER > SNAKE RIVER / 22.00S 45.00E 20 NWSE |
| Use/Quantity       | IRRIGATION / 416822.600 AF<br>IRRIGATION / 1023.000 CFS  |
| Priority Date      | 02/14/1916, 02/15/1916, 08/19/1924, 08/20/1924   |

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
January 13, 2015

Use 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 \$25 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 \$25 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, at the local watermaster office, or online.