

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
April 7, 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.
- \* **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.
- \* **Establishment of Mitigation Credits in the Deschutes Basin**  
Pursuant to OAR Chapter 690, Division 521 (ORS 537.746)
- \* **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: 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.
- \* **Transfer Applications: Drought Temporary Transfers**  
Requests to temporarily change character of use, place of use or point of diversion during a drought declared under ORS 536.740.

- \* **District Permanent Transfers (ORS 540.580)**  
Petitions requesting transfers in place of use within a district's boundaries.
- \* **Hydro Electric Public Hearing, Swan Lake North Pumped Storage**
- \* **McNulty Water People's Utility District ASR Permit**
- \* **Certificate Issuance**  
Included in this section is a listing of recently issued water right certificates.

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  
 T: Transfer  
 LL: Limited License

**County/Basin** (See Map)



### Applicant Name

### Applicant Address

### Sources/TRSQ40Q160

### Use/Quantity

Unit of measure:

CFS: Cubic feet per second

GPM: Gallons per minute

AF: Acre-feet

### 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
CR: Cranberry uses	GT: Geothermal	NU: Nursery use
CM: Commercial	ID: Irrigation with domestic	PA: Pollution abatement
DI, DN: Domestic including non-commercial lawn & garden	IL: Irrigation with livestock	PW: Power
DO: Domestic	IM: Industrial or manufacturing	QM: Quasi-municipal
DS: Domestic & stock	IR: Irrigation	RC: Recreation
FI: Fish	IS: Irrigation, supplemental	RW: Road construction
FP: Fire protection	LV: Livestock	TC: Temperature control
FW: Fish & wildlife	LW: Livestock & wildlife	WI: Wildlife
GD: Group domestic	MI: Mining	

## **Initial Review and Proposed Final Orders**

The following pages of this notice list permit applications that the Department is evaluating for compliance with state water law. 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.

### **Initial Review Stage (IR)**

The Department has given the applicant an initial review of water-use restrictions, water availability and other limitations 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, May 07, 2015.** Although we cannot respond individually to all comments, each will be considered as the agency makes its decision regarding proposed allocations.

### **Proposed Final Order Stage (PFO)**

The proposed final order is the Department's penultimate decision on the water use request. The PFO documents the agency's decision through specific findings, including review of comments received. 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 free of charge online at: <http://apps.wrd.state.or.us/apps/wr/wrinfo/>. 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, May 22, 2015.**

The protest filing fee is \$350 for the applicants and \$700 for non-applicants. Detailed requirements for filing a protest are included in 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 in a hearing is allowed, an additional \$500 will be required to request to participate as a party or limited party.

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# [G-17899](#)  
County/Basin Harney / Malheur (10)  
Applicant Name HARRIS, GLENN  
PO BOX 144  
49232 HWY 20E  
DREWSEY, OR 97904  
Sources/TRSQ40Q160 A WELL > STINKINGWATER CREEK / 21.00S 35.00E 18 SENW  
Use/Quantity IRRIGATION / 2.200 CFS  
Priority Date 07/30/2014  
Stage/Status IR / PROPOSE TO APPROVE

App# [G-17954](#)  
County/Basin Marion / Willamette (2)  
Applicant Name HERITAGE SEEDLINGS INC.  
KRAUTMANN, JOLLY Y. AND MARK E.  
4194 71ST AVE SE  
SALEM, OR 97301  
Sources/TRSQ40Q160 A WELL > LITTLE PUDDING RIVER / 8.00S 2.00W 11 NWNE  
Use/Quantity NURSERY USES / 1.100 CFS  
Priority Date 10/30/2014  
Stage/Status IR / PROPOSE TO APPROVE

App# [G-17963](#)  
County/Basin Clackamas / Willamette (2)  
Applicant Name CUTSFORTH, KATHLEEN M.  
PO BOX 261  
2285 NE TERRITORIAL RD  
CANBY, OR 97013  
Sources/TRSQ40Q160 A WELL > WILLAMETTE RIVER / 3.00S 1.00E 21 SESW  
Use/Quantity IRRIGATION / 0.121 CFS  
Priority Date 11/19/2014  
Stage/Status IR / PROPOSE TO APPROVE

App# [G-17971](#)  
County/Basin Linn / Willamette (2)  
Applicant Name RB WEBBER DEVELOPMENT LLC  
3430 SPRINGHILL DR NW  
ALBANY, OR 97321  
Sources/TRSQ40Q160 A WELL > TRUAX CREEK / 11.00S 3.00W 2 SESE  
A WELL > TRUAX CREEK / 11.00S 3.00W 2 NESE  
A WELL > TRUAX CREEK / 11.00S 3.00W 1 SESW  
A WELL > TRUAX CREEK / 11.00S 3.00W 1 SESW  
Use/Quantity IRRIGATION / 2.000 CFS  
Priority Date 12/05/2014  
Stage/Status IR / PROPOSE TO APPROVE

## 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-17569</a>
County/Basin	Morrow / Umatilla (7)
Applicant Name	STIFFLER LLC 33896 E WALLS RD HERMISTON, OR 97838
Priority Date	07/16/2012
Issue Date	03/31/2015
Status	WITHDRAWN
App#	<a href="#">G-17757</a>
County/Basin	Malheur / Malheur (10)
Applicant Name	CLARICH, KATHY AND KEVIN 4050 FREESE LANE VALE, OR 97918
Priority Date	02/03/2014
Issue Date	03/27/2015
Status	ISSUED
App#	<a href="#">G-17775</a>
County/Basin	Clackamas / Willamette (2)
Applicant Name	BALDWIN, SHIRLEY FAIST, LARRY 1866 SE 13TH AVE CANBY, OR 97013
Priority Date	02/26/2014
Issue Date	03/27/2015
Status	ISSUED
App#	<a href="#">G-17877</a>
County/Basin	Malheur / Malheur (10)
Applicant Name	MAYHALL, MARILYN AND ROBERT E. 5165 PEAR AVE JAMIESON, OR 97909
Priority Date	06/13/2014
Issue Date	03/27/2015
Status	ISSUED
App#	<a href="#">G-17900</a>
County/Basin	Umatilla / Umatilla (7)
Applicant Name	TALBOT, JOE AND SUSAN 714 NW DESPAIN PENDLETON, OR 97801
Priority Date	08/04/2014
Issue Date	04/01/2015
Status	WITHDRAWN
App#	<a href="#">G-17903</a>
County/Basin	Baker / Powder (9)
Applicant Name	OREGON PARKS AND RECREATION DEPARTMENT 725 SUMMER ST NE SUITE C SALEM, OR 97301-1001
Priority Date	08/11/2014
Issue Date	03/27/2015
Status	ISSUED

App# [G-18014](#)  
 County/Basin Marion / Willamette (2)  
 Applicant Name GBF LLC  
 PO BOX 429  
 DUNDEE, OR 97115  
 Priority Date 03/13/2015  
 Issue Date 03/26/2015  
 Status WITHDRAWN

App# [G-18017](#)  
 County/Basin Malheur / Malheur (10)  
 Applicant Name KESLER FARMS INC.  
 3331 GREY BLVD  
 NYSSA, OR 97913  
 Priority Date 03/23/2015  
 Issue Date 04/03/2015  
 Status ISSUED

App# [G-18019](#)  
 County/Basin Malheur / Malheur (10)  
 Applicant Name SCHRAM, JAMES A. AND KATHLEEN A.  
 636 KING AVE  
 ONTARIO, OR 97914  
 Priority Date 03/26/2015  
 Issue Date 04/03/2015  
 Status ISSUED

App# [S-87968](#)  
 County/Basin Douglas / Umpqua (16)  
 Applicant Name AUER, JOHN  
 1801 WHISTLERS PARK RD  
 ROSEBURG, OR 97470  
 Priority Date 03/26/2014  
 Issue Date 03/26/2015  
 Status ISSUED

App# [S-88000](#)  
 County/Basin Douglas / Umpqua (16)  
 Applicant Name BENNETT, KELLY AND MARK  
 8382 LOOKINGGLASS RD  
 ROSEBURG, OR 97471  
 Priority Date 07/16/2014  
 Issue Date 03/27/2015  
 Status ISSUED

App# [LL-1551](#)  
 County/Basin Washington / Willamette (2)  
 Applicant Name MORROW, CLIFFORD  
 48515 NW STROHMAYER RD  
 FOREST GROVE, OR 97116  
 Priority Date 10/16/2014  
 Issue Date 03/26/2015  
 Status ISSUED

App# [LL-1558](#)  
 County/Basin Hood River / Hood (4)  
 Applicant Name FRENCH, ROD  
 3701 W 10TH ST  
 THE DALLES, OR 97058  
 Priority Date 03/02/2015  
 Issue Date 03/26/2015  
 Status ISSUED

App#	<a href="#">LL-1559</a>
County/Basin	Douglas / Umpqua (16)
Applicant Name	NORRIS, PAUL 8181 OAK HILL RD ROSEBURG, OR 97470
Priority Date	03/04/2015
Issue Date	03/26/2015
Status	ISSUED
App#	<a href="#">LL-1560</a>
County/Basin	Douglas / Umpqua (16)
Applicant Name	HUDSON, MONJA 9224 BULLOCK RD OAKLAND, OR 97462
Priority Date	03/05/2015
Issue Date	03/26/2015
Status	ISSUED
App#	<a href="#">LL-1561</a>
County/Basin	Deschutes / Deschutes (5)
Applicant Name	RIECK, KEN 64697 COOK AVE BEND, OR 97701
Priority Date	03/06/2015
Issue Date	03/27/2015
Status	ISSUED
App#	<a href="#">LL-1586</a>
County/Basin	Polk / Willamette (2)
Applicant Name	WICKSTROM, ALLYSSA 841 LATOUR CT SUITE A NAPA, CA 94558
Priority Date	02/27/2015
Issue Date	04/01/2015
Status	ISSUED
App#	<a href="#">LL-1587</a>
County/Basin	Polk / Willamette (2)
Applicant Name	WICKSTROM, ALLYSSA 841 LATOUR CT SUITE A NAPA, CA 94558
Priority Date	02/27/2015
Issue Date	04/01/2015
Status	ISSUED



## 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 **May 07, 2015**. The expedited secondary applications listed below have been filed recently. Any person may raise public interest issues regarding these applications. If public interest issues are raised, the Department may move the application to the standard process and review the application pursuant to ORS 537.153, and issue a Proposed Final Order. If no public issues are raised, the Department may issue a final order and permit without further prior notice.

Comments must identify the specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected by the proposed use, and specifically how the identified public interest would be affected.

POD 1 is the location of the stored water. POD 2 and any additional points are the rediversion point(s).

App#	<a href="#">S-88066</a>
County/Basin	Douglas / Umpqua (16)
Applicant Name	C AND D LUMBER CO SCHROEDER, GARY PO BOX 27 RIDDLE, OR 97469
Sources/TRSQ40Q160	A RESERVOIR > COW CREEK / 31.00S 4.00W 28 SWNE SOUTH UMPQUA RIVER > UMPQUA RIVER / 30.00S 6.00W 12 SESE
Use/Quantity	INDUSTRIAL/MANUFACTURING USES / 34.000 AF
Priority Date	03/26/2015

**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 May 07, 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# [G-12986](#)  
Permit Number G-12337  
County/Basin Clackamas / Willamette (2)  
Applicant Name MILLER, HAROLD M.  
PO BOX 379  
HUBBARD, OR 97032  
Sources/TRSQ40Q160 A WELL > ROCK CREEK / 5.00S 1.00E 8 SENE  
Use/Quantity AGRICULTURE USES / 0.670 CFS  
Proposed Completion Date 10/01/2001

App# [S-86189](#)  
Permit Number S-54219  
County/Basin Polk / Willamette (2)  
Applicant Name JENKS OLSEN FARMS INC.  
8930 SUVER RD  
MONMOUTH, OR 97361  
Sources/TRSQ40Q160 SOAP CREEK > LUCKIAMUTE RIVER / 10.00S 5.00W 12 NWNW  
BERRY CREEK > SOAP CREEK / 10.00S 5.00W 3 NESE  
Use/Quantity IRRIGATION / 8.000 CFS  
Proposed Completion Date 10/30/2020

## **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 \$25. (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 watermaster district office.

### **Extension of Time Public Notice and Comment Procedures**

**Written comments on or written protests against a PFO must be submitted on or before May 22, 2015.** There is no fee for submission of comments. The protest filing fee is \$350 for the applicant and \$700 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO.

### **OAR-690-315**

App#	S-86704
Permit#	<a href="#">S-54476</a>
County/Basin	Clackamas, Washington / Willamette (2)
Applicant Name	CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224
Sources/TRSQ40Q160	TREATED EFFLUENT > TUALATIN RIVER / 1.00S 2.00W 16 NWNW TREATED EFFLUENT > TUALATIN RIVER / 1.00S 2.00W 16 NWNW
Use/Quantity	INSTREAM USES / 10.400 CFS
Status	PROPOSE TO APPROVE
App#	G-15817
Permit#	<a href="#">G-15481</a>
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
Sources/TRSQ40Q160	A WELL > ROCK CREEK / 23.00S 33.00E 4 NENW A WELL > ROCK CREEK / 23.00S 33.00E 4 NWNW A WELL > ROCK CREEK / 22.00S 33.00E 33 SWSE A WELL > MALHEUR LAKE / 23.00S 33.00E 4 SWNE
Use/Quantity	IRRIGATION / 4.600 CFS
Status	PROPOSE TO APPROVE

App#	G-16615
Permit#	<a href="#">G-16582</a>
County/Basin	Multnomah / Willamette (2)
Applicant Name	PORTLAND MEADOWS 1001 N SCHMEER RD PORTLAND, OR 97217
Sources/TRSQ40Q160	A WELL > COLUMBIA SLOUGH / 1.00N 1.00E 10 NWNE A WELL > COLUMBIA SLOUGH / 1.00N 1.00E 3 SESW
Use/Quantity	AGRICULTURE USES / 1.110 CFS
Status	PROPOSE TO APPROVE
App#	G-12996
Permit#	<a href="#">G-12372</a>
County/Basin	Deschutes / Deschutes (5)
Applicant Name	MILGARD, JAMES 9801 ALLEN POINT GIG HARBOR, WA 98332
Sources/TRSQ40Q160	WELL 1 > CROOKED RIVER / 21.00S 20.00E 28 SWNE WELL 2 > CROOKED RIVER / 21.00S 20.00E 27 SESW
Use/Quantity	IRRIGATION / 8.080 CFS
Status	PROPOSE TO APPROVE

**Notice: Order withdrawing Proposed Final Order on Application for Extension of Time for Permit S-51164, Water Right Application S-70921, in the name of Wayne Clark. The original PFO was issued on March 17, 2015. The Department will issue another PFO in the future, and a 45-day protest period will follow.**

## 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 April 21, 2015, 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.

App#	<a href="#">LL-1570</a>
County/Basin	Yamhill / Willamette (2)
Applicant Name	ETZEL, MIKE D. 7000 NE STAR MOORING LANE NEWBERG, OR 97132
Sources/TRSQ40Q160	WELL > WILLAMETTE R / 3.00S 2.00W 35 NWNW
Use/Quantity	IRRIGATION / 0.036 CFS (est)
Priority Date	03/30/2015

## 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 April 28, 2015.** 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 the Lease Specialist at 503-986-0898.

Lease# [IL 982](#)  
Certificate 74197  
County/Basin Deschutes / Deschutes (5)  
Lessor WICK, JASON  
AVION WATER CO. INC.  
60813 PARRELL RD  
BEND, OR 97702

Lessor ARNOLD IRRIGATION DISTRICT  
19604 BUCK CANYON RD  
BEND, OR 97702

Lessee HUBERT, GENEVIEVE  
DESCHUTES RIVER CONSERVANCY  
700 NW HILL ST  
BEND, OR 97701

Source DESCHUTES RIVER > COLUMBIA RIVER  
Priority Date 02/01/1905, 04/25/1905

Lease# [IL 1446](#)  
Certificate 74146, 74147  
County/Basin Deschutes / Deschutes (5)  
Lessor TUMALO IRRIGATION DISTRICT  
64697 COOK AVENUE  
BEND, OR 97701

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

Source TUMALO CREEK > DESCHUTES RIVER  
Priority Date 10/29/1913, 05/27/1907, 06/01/1907, 08/05/1900, 09/01/1900

Lease# [IL 1447](#)  
Certificate 74135  
County/Basin Deschutes, Jefferson / Deschutes (5)  
Lessor THALACKER, MARC  
THREE SISTERS (SQUAW CREEK) IRRIGATION DISTRICT  
PO BOX 2230  
SISTERS, OR 97759-2230

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

Source SQUAW CREEK > DESCHUTES RIVER  
Priority Date 12/31/1895

Lease# [IL 1448](#)  
Certificate 74197  
County/Basin Deschutes / Deschutes (5)  
Lessee HUBERT, GENEVIEVE  
DESCHUTES RIVER CONSERVANCY MITIGATION BANK  
PO BOX 1560  
BEND, OR 97709

Lessor GERDES, SHAWN  
ARNOLD IRRIGATION DISTRICT  
19604 BUCK CANYON RD  
BEND, OR 97702  
Source DESCHUTES RIVER > COLUMBIA RIVER  
Priority Date 02/01/1905, 04/25/1905

Lease# [IL 1449](#)  
Certificate 6459  
County/Basin Union / Grande Ronde (8)  
Lessor SMITH, C GLEN AND RONDA G.  
563 NW 21ST ST.  
PENDLETON, OR 97801

Lessee MALMBERG, TONY  
THE FRESHWATER TRUST  
1782 S MAIN STREET  
UNION, OR 97883  
Source CATHERINE CREEK > GRANDE RONDE RIVER  
Priority Date 12/31/1872

## **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.

Mitigation Project #	MP-195
Mitigation Project And Process	INSTREAM LEASE APPLICATION IL-1447 for CERTIFICATE 74135 (ALSO SEE INSTREAM LEASE NOTICE ON PAGE 13 FOR APPLICATION DETAILS)
County/Basin	Deschutes / Deschutes (5)
Applicant	DESCHUTES RIVER CONSERVANCY 700 NW HILL ST BEND, OR 97701
	THREE SISTERS IRRIGATION DISTRICT MARC THALACKER PO BOX 2230 SISTERS, OR 97759-2230
Subbasin / Source	TWO LANDOWNERS WHYCHUS CREEK / WHYCHUS CREEK > DESCHUTES RIVER
Current Use	213.0 ACRES OF IRRIGATION
Proposed Instream	UP TO 4.26 CFS, MAXIMUM SEASONAL VOLUME 642.17 AF
Preliminary Determination	UP TO 383.4 MITIGATION CREDITS MAY BE AVAILABLE FOR USE
Contact	Laura Wilke, Phone: (503) 986-0884



## **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 May 07, 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-11964** filed by David and Mary Richenstein, PO Box 69596, Portland, OR 97239, proposes a place of use change under Certificate 88448. The right allows the use of 0.02 cfs from the North Fork Lake Creek in Sec. 15, T13S, R9E, WM for irrigation, domestic and stock in Sec. 15. The applicant proposes to change the place of use within Sec. 15, T13S, R9E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

**T-Error! Reference source not found.** filed by Ivan or Evdokia Barsukoff, 4634 S Timber Trail Dr. Woodburn OR. 97071, proposes a point of appropriation change under GR 1069(Certificate of Registration GR-1031). The right allows the use of 0.334 cfs from a well in Sec. 9, T 5S, R 1W, WM. for irrigation in Sec.9. The applicant proposes to move the point of appropriation within Sec. 9, T 5S, R 1W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

**T-11827** filed by Edward and Janet York, 82952 Eggleston Ln., Enterprise, OR 97828, proposes a place of use change under Certificate 46104. The right allows the use of 0.02 cfs from Hurricane Creek in Sec. 13, T2S, R44E, WM for irrigation in Sec. 13. The applicant proposes to change the place of use within Sec. 13, T2S, R44E, 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: 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; Additional point of diversion or appropriation; Historic POD; Place of use; Character of use; Instream; Substitution; or Exchange.

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 May 07, 2015. 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.

Transfer [T 12020](#)  
Water Right Cert: 75699  
County/Basin Malheur / Owyhee (11)  
Applicant Name CARLSON, ROBERT K.  
2300 ASPEN COVE DR  
MERIDIAN, ID 83642  
Proposed Change ADDITIONAL POINT OF DIVERSION, PLACE OF USE  
Sources/TRSQ40Q160 OWYHEE RIVER > SNAKE RIVER / 21.00S 46.00E 18 SWNW  
Use/Quantity IRRIGATION / 323.270 CFS  
IRRIGATION / 3.560 CFS  
Priority Date 10/30/1888

Transfer [T 12021](#)  
Water Right Cert: 89326  
County/Basin Klamath / Klamath (14)  
Applicant Name BENGARD, TERRY  
20250 LAKE CALIFORNIA BLVD  
COTTONWOOD, CA 96022  
Proposed Change ADDITIONAL POINT OF APPROPRIATION  
Sources/TRSQ40Q160 A WELL > LOST RIVER / 39.00S 11.50E 26 NWSE  
Use/Quantity SUPPLEMENTAL IRRIGATION / 7.550 CFS  
Priority Date 08/23/1991

## 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 enlarge 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:

Transfer	<a href="#">T-12017</a>
Water Right	Decree: V.15 P.378, V.3 P.127, V.3 P.127
County/Basin	Umatilla / Umatilla (7)
Applicant Name	CORREA, DAVID 31777 ANDREWS RD ECHO, OR 97826
Proposed Change	PLACE OF USE
Sources/TRSQ40Q160	UMATILLA R
Use/Quantity	IRRIGATION / 2.804 CFS IRRIGATION / 16.730 CFS IRRIGATION / 5500.000 AF
Priority Date	01/09/1900, 01/09/1900, 03/08/1905, 02/25/1909
Transfer	<a href="#">T-12018</a>
Water Right	Cert: 42535, 89189, 26647, 10645, 22676
County/Basin	Polk / Willamette (2)
Applicant Name	OLSEN AGRICULTURE ENTERPRISES 8930 SUVER RD MONMOUTH, OR 97361
Proposed Change	POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 24 NENW LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 4 NENW LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 4.00W 20 NESW LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 4.00W 29 NWNW LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 4.00W 18 SESW LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 4.00W 20 SWNW LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 4.00W 20 SWNW UNNAMED STREAM > LUCKIAMUTE RIVER / 9.00S 4.00W 17 NESW UNNAMED STREAM > LUCKIAMUTE RIVER / 9.00S 4.00W 17 SWSE
Use/Quantity	IRRIGATION / 0.580 CFS IRRIGATION / 1.260 CFS IRRIGATION / 1.500 CFS IRRIGATION / 0.650 CFS IRRIGATION / 1.580 CFS IRRIGATION / 1.280 CFS
Priority Date	04/05/1968, 08/20/1973, 05/24/1954, 09/19/1928, 12/09/1949
Transfer	<a href="#">T-12019</a>
Water Right	Cert: 10645, 22676
County/Basin	Polk / Willamette (2)
Applicant Name	OLSEN AGRICULTURE ENTERPRISES 8930 SUVER RD MONMOUTH, OR 97361
Proposed Change	POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 4 NENW LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 4.00W 20 NESW LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 4.00W 29 NWNW
Use/Quantity	IRRIGATION / 1.260 CFS IRRIGATION / 1.500 CFS
Priority Date	09/19/1928, 12/09/1949

Transfer	<a href="#">T-12022</a>
Water Right	Cert: 61114, 54758, V.15 P.378
County/Basin	Umatilla / Umatilla (7)
Applicant Name	SPIKE RANCH INC. PO BOX 8 ECHO, OR 97826
Proposed Change	PLACE OF USE
Sources/TRSQ40Q160	A WELL > UMATILLA RIVER / 3.00N 28.00E 12 NWNE UMATILLA RIVER > COLUMBIA RIVER / 3.00N 29.00E 21 SWNE
Use/Quantity	PRIMARY AND SUPPLEMENTAL IRRIGATION / 1.520 CFS
Priority Date	IRRIGATION / 1.450 CFS 09/08/1983, 02/05/1971, 12/31/1900

## **Transfer Applications: Drought Temporary Transfer**

During the effective time period of a drought declaration under ORS 536.740, the Commission or the Director may: (1) Allow a temporary transfer of a water right without complying with the notice and waiting requirements of ORS 540.520; (2) Allow a temporary exchange of water without giving notice as required under ORS 540.535; and (3) Use an expedited notice and waiting requirement for the substitution of a supplemental ground water right for a primary water right.

Notice is given that the following applications for Drought Temporary Transfers have been received by the Department. Consistent with the drought emergency, an order approving or denying the drought transfer will be issued as soon as the Department is able to process the application.

Transfer	<a href="#">T-12016</a>
Water Right	Cert: 75676
County/Basin	Malheur / Owyhee (11)
Applicant Name	HARTLEY, MARK DEE PO BOX 2551 NYSSA, OR 97913
Proposed Change	ADDITIONAL POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	OWYHEE RIVER > SNAKE RIVER / 21.00S 46.00E 7 SWSE OWYHEE RIVER > SNAKE RIVER / 21.00S 46.00E 18 SWNW
Use/Quantity	SUPPLEMENTAL IRRIGATION / 0.330 CFS
Priority Date	12/31/1894, 12/31/1897

## 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 April 30, 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.)

Notice of District Certificate	T-2015-001 89006
County Name	Umatilla / Umatilla (7) HERMISTON IRRIGATION DISTRICT
Address	ATTN: JEREMY BOLEN 366 E HURLBURT AVE HERMISTON, OR 97838
Source	UMATILLA RIVER > COLUMBIA RIVER COLD SPRINGS RESERVOIR > COLD SPRINGS WASH
Authorized POU	4.00N 28.00E 15 NWSW
Proposed POU	4.00N 29.00E 05 NENW
Change / Quantity	POU / 1.420 ACRES
Priority Date	09/06/1905

Notice of District Certificate	T-2015-002 89006
County Name	Umatilla / Umatilla (7) HERMISTON IRRIGATION DISTRICT
Address	ATTN: JEREMY BOLEN 366 E HURLBURT AVE HERMISTON, OR 97838
Source	UMATILLA RIVER > COLUMBIA RIVER COLD SPRINGS RESERVOIR > COLD SPRINGS WASH
Authorized POU	5.00N 28.00E 21 NWSW
Proposed POU	5.00N 28.00E 28 NWNE
Change / Quantity	POU / 2.000 ACRES
Priority Date	09/06/1905

**Notice of Open Comment Period, Public Hearing**  
**Swan Lake North Pumped Storage Project**

Wednesday, April 8, 2015, 7:00 p.m.  
Oregon Institute of Technology, Mt Mazama Room  
3201 Campus Drive, Klamath Falls, OR

Comments on this application for preliminary permit for a new hydroelectric project are requested from interested citizens, organizations, governmental entities, and other parties. Comments are requested on whether the impacts of this project are such that they might be cumulative with other proposed or existing projects in the Klamath basin. Requests for additional studies related to project impacts may also be submitted.

The application and supporting documents may be viewed at the Water Resources Department, 725 Summer Street NE, Salem, Oregon 97301. The project is also filed with the Federal Energy Regulatory Commission (FERC) as docket p-13318.

Comments may be submitted at the public hearing, or in writing to the Oregon Water Resources Department by **5 p.m. Friday, May 8, 2015**.

Application	HE 609
Applicant	SWAN LAKE NORTH HYDRO LLC
Address	1000 SW BROADWAY AVE, SUITE 1880 PORTLAND, OR 97205
Purpose	HYDROELECTRIC POWER PRODUCTION
Amount of water	12,560,000 CFS
Source of water	TWO EXISTING PERMITTED WELLS WILL BE USED FOR THE INITIAL FILL OF 14,000 AF and 1,600 AF ANNUAL USE
Reservoir Location	37.00S 10.00E 13, 14, 15, 22, 23
Plant Capacity	1,860,000 THEORETICAL HORSEPOWER

The applicant will present information about the expected downsizing of the project to 400 MW with a reservoir size of 5229 acre-feet which will be detailed in a final application to be submitted later this year.

For Further Information Contact: Mary Grainey 503-986-0833.

Note: The services, programs and activities of the Water Resources Department are covered by the Americans with Disabilities Act (ADA). The ADA prohibits discrimination against persons with disabilities. The Department intends to comply with the ADA. If you are interested and need special accommodations to participate in the public hearing, please contact Mary Grainey at (503) 986-0833, at least 48 hours prior to the hearing.

## Aquifer Storage and Recovery (ASR) Permits

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). Only after completion of an ASR testing program under a limited license may an applicant apply for a permanent ASR permit. The appearance of the request in the public notice commences a 60-day public comment period for the application. Following the public comment period, the Director shall issue a proposed final order on the permit application. Notice of the proposed final order shall be given in the weekly notice published by the Department.

Application	ASR Permit-002
Water Right	Cert: 87258, 58654, 58655, 61176, T-11498
County/Basin	Columbia / North Coast (1)
Applicant	MCNULTY WATER PEOPLE'S UTILITY DISTRICT C/O JEFF ANDERSON PO BOX 260 ST HELENS, OR 97051
Authorization	STORAGE OF 8 MILLION GALLONS IN A BASALT AQUIFER
Sources/TRS	A WELL > MCNULTY CREEK / 5.00N 2.00W 25
Use/Quantity	QUASI-MUNICIPAL USES / 0.890 CFS OR 400 GPM
Priority Date	06/17/1994, 02/11/1976, 01/18/1982, 02/23/1982, 11/20/1968



## 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 \$700. (ORS 536.050(1)(j)(A)).

Cert# [87263](#)  
Xfer: T 6412  
County/Basin Umatilla / Umatilla (7)  
Applicant Name CITY OF HERMISTON  
Priority Date 09/28/1945  
Issue Date 04/03/2015

Cert# [87264](#)  
Xfer: T 6412  
County/Basin Umatilla / Umatilla (7)  
Applicant Name CITY OF HERMISTON  
Priority Date 02/05/1958  
Issue Date 04/03/2015

Cert# [90032](#)  
Xfer: T 8172  
County/Basin Grant / John Day (6)  
Applicant Name HOLMES, LAVELLE  
Priority Date 12/31/1882  
Issue Date 04/03/2015

Cert# [90033](#)  
Xfer: T 8172  
County/Basin Grant / John Day(6)  
Applicant Name HOLMES, LAVELLE  
Priority Date 04/23/1962  
Issue Date 04/03/2015

Cert# [90034](#)  
Xfer: T 8172  
County/Basin Grant / John Day (6)  
Applicant Name HOLMES, LAVELLE  
Priority Date 12/31/1890  
Issue Date 04/03/2015

Cert# [90018](#)  
Xfer: T 6976  
County/Basin Morrow / Umatilla (7)  
Applicant Name PORT OF MORROW  
Priority Date 06/19/1978  
Issue Date 04/03/2015

Cert# [90017](#)  
Xfer: S 14427  
County/Basin Lake / Goose and Summer Lakes (13)  
Applicant Name OREGON DEPARTMENT OF FISH AND WILDLIFE  
Priority Date 10/11/1915  
Issue Date 04/03/2015

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
April 7, 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.