

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
August 23, 2016

*This notice is also available on our web page at the following address:
http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21*

This publication lists agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests in this week's Public Notice include:

- * **Permit Application Initial Reviews, Proposed Final Orders, and Final Orders**
Applications for permits to use, store, divert or pump surface water or groundwater. Includes applications by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
- * **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.
- * **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.)
- * **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.
- * **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: Permit Amendments**

Requests to amend permits.

* **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 Marissa.L.Andrews@wrđ.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
	MI: Mining	GD: Group domestic

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, September 22, 2016. 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, October 07, 2016.

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-18235
County/Basin	Josephine / Rogue(15)
Applicant Name	BUER, ERICH 505 THE TREES DRIVE WILLIAMS, OR 97544
Sources/TRSQ40Q160	A WELL > POWELL CREEK BASIN / 38.00S 5.00W 14 NESW
Use/Quantity	NURSERY USES / 0.009 CFS
Priority Date	01/19/2016
Stage/Status	PFO / PROPOSE TO APPROVE

Final Orders - Permit & Limited License Applications

Following is a list of applications for new appropriations that have had final orders issued recently. If you would like a hard copy of an order mailed to you, send a request with \$25.00 for each 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# [G-17917](#)
County/Basin Marion / Willamette(2)
Applicant Name ITEL, DAVID H.
ITEL, FRANK
9118 CHAMPOEG RD NE
AURORA, OR 97002
Priority Date 09/03/2014
Issue Date 08/18/2016
Status APPROVED

App# [LL-1665](#)
County/Basin Linn / Willamette(2)
Applicant Name AMPS
AZALEA ROJO LLC
PO BOX 806
WINCHESTER, OR 97495
Priority Date 07/19/2016
Issue Date 08/16/2016
Status APPROVED

App# [R-88198](#)
County/Basin Douglas / Umpqua(16)
Applicant Name FOLEY, TIMOTHY
429 COUNTRY HILL DR
ROSEBURG, OR 97471
Priority Date 03/28/2016
Issue Date 08/11/2016
Status APPROVED

App# [R-88220](#)
County/Basin Clackamas / Willamette(2)
Applicant Name ARLAUSKAS, PAUL P.
15909 EDMINSTON RD
WILSONVILLE, OR 97070
Priority Date 05/02/2016
Issue Date 08/11/2016
Status APPROVED

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 October 22, 2016.

App#	R-88275
County/Basin	Yamhill / Willamette(2)
Applicant Name	TORCHIA, STEVEN 8365 DALLAS STREET LA MESA, CA 91942
Sources/TRSQ40Q160	RUNOFF > WILDWOOD CREEK / 2.00S 5.00W 15 SESE
Use/Quantity	MULTIPLE PURPOSE / 3.000 AF
Priority Date	08/05/2016

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 **September 22, 2016**. 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 redirection point(s).

App#	S-88274
County/Basin	Jackson / Rogue(15)
Applicant Name	BERRIER, SEAN 13333 HIGHWAY 238 JACKSONVILLE, OR 97530
Sources/TRSQ40Q160	APPLEGATE RESERVOIR > APPLEGATE RIVER / 40.00S 4.00W 25 SESE APPLEGATE RIVER > ROGUE RIVER / 38.00S 4.00W 26 SENW
Use/Quantity	IRRIGATION / 20.000 AF
Priority Date	08/05/2016

**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 September 22, 2016. 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-12836
Permit Number	G-11812
County/Basin	Klamath / Klamath(14)
Applicant Name	MOUNTANOS, MATT 2219 SANTA CLARA AVE CHICO, CA 95928
Sources/TRSQ40Q160	A WELL > SPRAGUE RIVER / 36.00S 12.00E 11 NWNW
Use/Quantity	IRRIGATION / 2.180 CFS
Proposed Completion Date	10/01/2021

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 October 07, 2016. 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.

1.) OAR-690-315

App#	G-16284
Permit#	G-16109
County/Basin	Deschutes / Deschutes(5)
Applicant Name	BGC UPLAND LLC 9310 NE VANCOUVER MALL DR SUITE 200 VANCOUVER, WA 98662
Sources/TRSQ40Q160	A WELL > DESCHUTES RIVER / 20.00S 10.00E 24 NWNE
Use/Quantity	IRRIGATION / 0.050 CFS
Status	PROPOSE TO APPROVE

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 September 22, 2016. 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#	S-70272
Permit Number	S-51017
County/Basin	Morrow, Umatilla / Umatilla(7)
Applicant Name	AXA EQUITABLE AGRIFINANCE LLC 4333 EDGEWOOD RD NE CEDAR RAPIDS, IA 52499-5223
	MADISON, KENT R. MADISON RANCHES INC. 29299 MADISON RD ECHO, OR 97826
Use	IRRIGATION

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 September 06, 2016, 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. If the applicant applies for a use that is not one of the standard uses listed in OAR 690-300, the Department may, for the purposes of this notice, assign a named use that is reasonably close to the use actually requested. The public may examine the actual application by clicking the associated hyperlink and then choosing “LL Application” under “Scanned Documents.”

App#	LL-1666
County/Basin	Yamhill / Willamette(2)
Applicant Name	HAMPTON, JOE PO BOX 659 SPRINGFIELD, OR 97361
Sources/TRSQ40Q160	CHEHALEM CR > WILLAMETTE R / 3.00S 2.00W 30 SENW
Use/Quantity	GENERAL CONSTRUCTION OR MAINTENANCE / 500 GPM
Priority Date	07/22/2016

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 September 22, 2016. 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 12461
Water Right	Cert:83571, Cert:76714
County/Basin	Crook / Deschutes(5)
Applicant Name	CENTRAL OREGON IRRIGATION DISTRICT 1055 SW LAKE COURT REDMOND, OR 97756
Proposed Change	POINT OF DIVERSION
Sources/TRSQ40Q160	CRANE PRAIRIE RESERVOIR > DESCHUTES RIVER / 18.00S 12.00E 5 NWNW DESCHUTES RIVER > COLUMBIA RIVER / 18.00S 12.00E 5 SENW
Use/Quantity	IRRIGATION / 0.06 CFS
Priority Date	10/31/1900, 02/28/1913

Transfer	T 12462
Water Right	Cert:91390
County/Basin	Josephine / Rogue(15)
Applicant Name	PORTNOFF, MATTHEW A. 9969 WESTWANDA DR BEVERLY HILLS, CA 90210
Proposed Change	USE
Sources/TRSQ40Q160	ALTHOUSE CREEK > ILLINIOS RIVER / 40.00S 8.00W 2 NWNE ALTHOUSE CREEK > ILLINOIS RIVER / 40.00S 8.00W 2 NENE
Use/Quantity	DOMESTIC / 0.206 CFS (est) DOMESTIC / 0.154 CFS (est) DOMESTIC / 0.716 CFS (est)
Priority Date	12/31/1883

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 503-986-0807. Protests must be received by the Department on or before September 22, 2016, 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-12118 filed by Don and Le' Ann Marjama/ Don Marjama Nursery Co., 11333 SE Bluff Rd Sandy, OR 97055, proposes an additional point of appropriation under Certificate 67130. The right allows the use of 1.24 cfs from two wells in Sec. 35, T1S, R4E, WM for nursery operations in Sec. 35. The applicant proposes additional points of appropriation in Sec. 35. 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 or appropriation or to change the place of use 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	T 12460
Water Right	Cert:84668
County/Basin	Sherman / Deschutes(5)
Applicant Name	HEYERLY, JEFF HEYERLY BROTHERS 32899 S DRYLAND RD MOLALLA, OR 97038
Proposed Change	ADDITIONAL POINT OF APPROPRIATION,PLACE OF USE
Sources/TRSQ40Q160	A WELL > COLUMBIA RIVER / 2.00N 16.00E 8 NESE
Use/Quantity	COMMERCIAL USES / 0.156 CFS
Priority Date	11/08/1993

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# [91669](#)
Xfer: T 9760
County/Basin Harney / Malheur Lake(12)
Applicant Name BARCLAY, LEO R.
Priority Date 06/08/1977
Issue Date 08/16/2016

Cert# [91670](#)
Xfer: T 9760
County/Basin Harney / Malheur Lake(12)
Applicant Name BARCLAY, LEO R.
Priority Date 06/25/1964
Issue Date 08/16/2016

Cert# [91672](#)
Xfer: T 6799
County/Basin Harney / Malheur Lake(12)
Applicant Name BAUER, JOHN L.
BAUER, CAROLYN S.
Priority Date 11/14/1977
Issue Date 08/16/2016

Cert# [91679](#)
Xfer: T 10075
County/Basin Deschutes / Deschutes(5)
Applicant Name BRIDWELL, TERRY
BRIDWELL, SUSAN
Priority Date 08/31/1992
Issue Date 08/16/2016

Cert# [91668](#)
Xfer: T 10726
County/Basin Washington / Willamette(2)
Applicant Name KUETHER, DR TODD
Priority Date 08/13/1968
Issue Date 08/16/2016

Cert# [91664](#)
Xfer: T 11081
County/Basin Grant / John Day(6)
Applicant Name LETOSKY, JOSEPH
LETOSKY, DEBORAH
Priority Date 10/01/1946
Issue Date 08/16/2016

Cert# [91675](#)
Xfer: T 9472
County/Basin Grant / John Day(6)
Applicant Name PIKE, VIC
KEHRBERG, JASON
Priority Date 12/31/1870
Issue Date 08/16/2016

Cert# [91676](#)
Xfer: T 9472
County/Basin Grant / John Day(6)
Applicant Name PIKE, VIC
KEHRBERG, JASON
Priority Date 12/31/1863
Issue Date 08/16/2016

Cert# [91677](#)
Xfer: T 9472
County/Basin Grant / John Day(6)
Applicant Name PIKE, VIC
KEHRBERG, JASON
Priority Date 05/15/1950
Issue Date 08/16/2016

Cert# [91678](#)
Xfer: T 9472
County/Basin Grant / John Day(6)
Applicant Name PIKE, VIC
KEHRBERG, JASON
Priority Date 12/31/1876
Issue Date 08/16/2016

Cert# [91666](#)
App: R 73147
County/Basin Harney / Malheur Lake(12)
Applicant Name U.S BUREAU OF LAND MANAGEMENT; BURNS DISTRICT OFFICE
Priority Date 01/07/1993
Issue Date 08/16/2016

Cert# [91665](#)
App: R 73148
County/Basin Harney / Malheur Lake(12)
Applicant Name U.S BUREAU OF LAND MANAGEMENT; BURNS DISTRICT OFFICE
Priority Date 01/07/1993
Issue Date 08/16/2016

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
August 23, 2016

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:

* 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.