

# **OREGON WATER RESOURCES DEPARTMENT**



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
**August 30, 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](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.
- \* **Establishment of Mitigation Credits in the Deschutes Basin pursuant to OAR Chapter 690, Division 521 (ORS 537.746)**
- \* **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.
- \* **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.
- \* **Certificate Issuance**  
Included in this section is a listing of recently issued water right certificates.

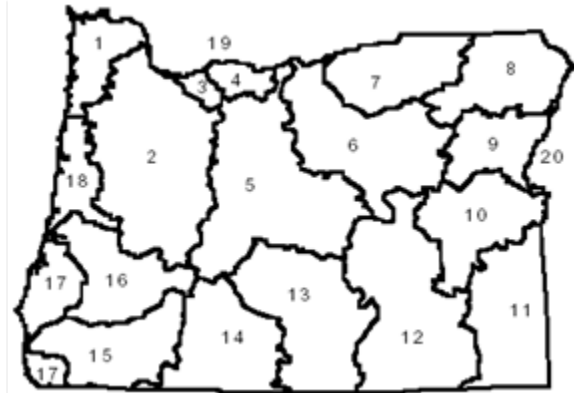
The Public Notice is published each week on the Department's web site at <http://www.wrd.state.or.us/>. If you would like to receive a *free* weekly notification when it is published, please send your request to [Marissa.L.Andrews@wrđ.state.or.us](mailto:Marissa.L.Andrews@wrđ.state.or.us).

## 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
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, September 29, 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 14, 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

\*No Initial Reviews or Proposed Final Orders issued the week of August 23, 2016 to August 30, 2016.

### 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#	<a href="#">G-18129</a>
County/Basin	Harney / Malheur Lake(12)
Applicant Name	OTLEY BROTHERS INC. 40926 S DIAMOND LANE DIAMOND, OR 97722
Priority Date	08/11/2015
Issue Date	08/30/2016
Status	APPROVED

App#	<a href="#">LL-1668</a>
County/Basin	Clackamas / Willamette(2)
Applicant Name	CHILDRESS, JOSH PO BOX 149 STAYTON, OR 97383
Priority Date	08/05/2016
Issue Date	08/24/2016
Status	APPROVED

## 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.

Klamath County	
Mitigation Project #:	MP-213
Project Applicant:	Wanek Ranch LLC
Mitigation Project: And Process:	Instream Transfer T-12439 for Certificate 90239 (see also transfer section of the August 9, 2016, public notice for application details)
Subbasin/Source:	Little Deschutes River subbasin - Little Deschutes River, tributary to the Deschutes River
Amount of Water:	up to 3.751 Cubic Feet per Second and 565.5 Acre-Feet
Current Use:	Irrigation of 150.0 acres
Credits Assigned to:	Wanek Ranch LLC
Preliminary Mitigation Credit Determination:	up to 270.0 mitigation credits for use in the Little Deschutes, Upper Deschutes, Middle Deschutes and/or General Zones of Impact
Contact:	Laura Wilke, Phone: (503) 986-0884

**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 29, 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-15302](#)  
Permit Number G-15163  
County/Basin Baker / Powder(9)  
Applicant Name BAILEY, KENT AND MONICA  
18479 WEST CAMPBELL  
BAKER CITY, OR 97814

ROHNER, JOHN A. AND KATHRYN M.  
40535 POCAHONTAS RD  
BAKER CITY, OR 97814

Sources/TRSQ40Q160 A WELL > POWDER RIVER / 9.00S 39.00E 13 NENE  
Use/Quantity IRRIGATION / 1.000 CFS  
Proposed Completion Date 10/01/2021

App# [R-86297](#)  
Permit Number R-14199  
County/Basin Polk / Willamette(2)  
Applicant Name WAHLE, MARK  
9233 NW MCKENNA ST  
PORTLAND, OR 97229

Sources/TRSQ40Q160 RUNOFF > MUD SLOUGH / 7.00S 4.00W 5 SENE  
Use/Quantity MULTIPLE PURPOSE / 20.000 AF  
Proposed Completion Date 10/01/2028

App# [R-86481](#)  
Permit Number R-14306  
County/Basin Jackson / Rogue(15)  
Applicant Name COLLINS, JOHN  
PO BOX 1425  
SHADY COVE, OR 97539

Sources/TRSQ40Q160 ROGUE RIVER > PACIFIC OCEAN / 33.00S 1.00E 32 NESE  
Use/Quantity MULTIPLE PURPOSE / 9.250 AF  
Proposed Completion Date 10/01/2020

App# [S-70272](#)  
Permit Number S-51017  
County/Basin Morrow, Umatilla / Umatilla(7)  
Applicant Name AXA EQUITABLE AGRIFINANCE LLC  
AXA EQUITABLE LIFE INSURANCE CO.  
4333 EDGEWOOD RD NE  
CEDAR RAPIDS, IA 52499-5223

Sources/TRSQ40Q160 MADISON RANCHES INC.  
29299 MADISON RD  
ECHO, OR 97826  
COLUMBIA RIVER > PACIFIC OCEAN / 4.00N 25.00E 2 NENW  
COLUMBIA RIVER > PACIFIC OCEAN / 5.00N 27.00E 13 NWSW  
COLUMBIA RIVER > PACIFIC OCEAN / 5.00N 28.00E 10 NESE

Use/Quantity IRRIGATION / 33.420 CFS  
Proposed Completion Date 10/01/2020

## **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 October 14, 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-17448
Permit#	<a href="#">G-17357</a>
County/Basin	Umatilla / Umatilla(7)
Applicant Name	FOSTER, TAMI J. 79982 HOPE LN HERMISTON, OR 97838
	LINDSTROM, JOHN AND RONNA 32008 DIAGONAL RD HERMISTON, OR 97838
Sources/TRSQ40Q160	A WELL > HERMISTON DRAIN / 4.00N 29.00E 6 NWSW
Use/Quantity	IRRIGATION / 0.110 CFS
Status	PROPOSE TO APPROVE



## **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 29, 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-12277** filed by Dennis and Janis Hitt, 12445 Hwy 140 E Klamath Falls, OR 97603, proposes a change under Certificate 19200. The right allows the use of 1.53 cfs from a well in Sec.8, T 41S, R 14E, WM for irrigation in Sec.8. The applicant proposes an additional point of appropriation within the same section. 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	<a href="#">T 12460</a>
Water Right	Permit: G 13555
County/Basin	Clackamas / Willamette(2)
Applicant Name	HEYERLY, JEFF HEYERLY BROTHERS 32899 S DRYLAND RD MOLALLA, OR 97038
Proposed Change	ADDITIONAL POINT OF APPROPRIATION, PLACE OF USE
Sources/TRSQ40Q160	WELL 1 > KAISER CREEK / 5.00S 1.00E 12 NESE
Use/Quantity	IRRIGATION / 2.300 CFS
Priority Date	05/20/1997

## 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# [91784](#)  
Xfer: T 9506  
County/Basin Yamhill / Willamette(2)  
Applicant Name ACMPC OREGON 3 LLC  
Priority Date 02/26/1958  
Issue Date 08/26/2015

Cert# [91590](#)  
App: G 14980  
County/Basin Umatilla / Umatilla(7)  
Applicant Name BROWN, LEONARD; L AND E BROWN FAMILY PARTNERSHIP  
L AND E BROWN FAMILY PARTNERSHIP  
Priority Date 05/10/1999  
Issue Date 08/26/2016

Cert# [91515](#)  
App: R 84921  
County/Basin Baker / Powder(9)  
Applicant Name DOUGLASS, DEBRA A.  
Priority Date 09/21/2001  
Issue Date 08/26/2016

Cert# [91516](#)  
App: R 84922  
County/Basin Baker / Powder(9)  
Applicant Name DOUGLASS, DEBRA A.  
Priority Date 09/21/2001  
Issue Date 08/26/2016

Cert# [91587](#)  
Xfer: T 11472  
County/Basin Yamhill / Willamette(2)  
Applicant Name GRAUER, AVA  
GRAUER, DENNIS  
GRAUER, LAYCEE  
GRAUER, TRAVIS  
Priority Date 08/31/1951  
Issue Date 08/26/2016

Cert# [91647](#)  
Xfer: T 11191  
County/Basin Malheur / Owyhee(11)  
Applicant Name HESS, LINDA M.  
Priority Date 10/12/1960  
Issue Date 08/26/2016

Cert# [91595](#)  
 App: R 86969  
 County/Basin Union / Grande Ronde(8)  
 Applicant Name HOT LAKE SPRINGS RESORT  
 Priority Date 09/13/2007  
 Issue Date 08/26/2016

Cert# [91648](#)  
 Xfer: T 8206  
 County/Basin Baker / Powder(9)  
 Applicant Name KERNS RAINBOW RANCH INC.  
 Priority Date 12/31/1868  
 Issue Date 08/26/2016

Cert# [91649](#)  
 Xfer: T 8206  
 County/Basin Baker / Powder(9)  
 Applicant Name KERNS RAINBOW RANCH INC.  
 Priority Date 01/20/1868  
 Issue Date 08/26/2016

Cert# [91650](#)  
 Xfer: T 8206  
 County/Basin Baker / Powder(9)  
 Applicant Name KERNS RAINBOW RANCH INC.  
 Priority Date 12/31/1868  
 Issue Date 08/26/2016

Cert# [91651](#)  
 Xfer: T 8206  
 County/Basin Baker / Powder(9)  
 Applicant Name KERNS RAINBOW RANCH INC.  
 Priority Date 12/31/1868  
 Issue Date 08/26/2016

Cert# [91658](#)  
 App: R 84201  
 County/Basin Wallowa / Grande Ronde(8)  
 Applicant Name KILTS, TORREY  
 REESE, JAMES A.  
 Priority Date 07/02/1999  
 Issue Date 08/26/2016

Cert# [91577](#)  
 App: R 84963  
 County/Basin Union / Powder(9)  
 Applicant Name LAY, ORRIN D.; ORRIN D LAY REVOCABLE TRUST  
 NORTHWEST FARM CREDIT SERVICES FLCA  
 ORRIN D LAY REVOCABLE TRUST  
 Priority Date 11/13/2001  
 Issue Date 08/26/2016

Cert# [91655](#)  
 App: R 84948  
 County/Basin Union / Grande Ronde(8)  
 Applicant Name MATTHEWS, J MICHAEL  
 MATTHEWS, LINDA  
 Priority Date 10/22/2001  
 Issue Date 08/29/2016

Cert# [91654](#)  
App: R 84947  
County/Basin Union / Grande Ronde(8)  
Applicant Name MATTHEWS, LINDA  
MATTHEWS, J MICHAEL  
Priority Date 10/22/2001  
Issue Date 08/29/2016

Cert# [91708](#)  
App: S 69657  
County/Basin Polk, Yamhill / Willamette(2)  
Applicant Name PATTY, ANER  
Priority Date 07/08/1988  
Issue Date 08/26/2016

Cert# [91598](#)  
App: R 57727  
County/Basin Morrow / Umatilla(7)  
Applicant Name PECK, DENNIS W.  
Priority Date 07/31/1978  
Issue Date 08/26/2016

Cert# [91646](#)  
Xfer: T 11306  
County/Basin Union / Grande Ronde(8)  
Applicant Name RAYBURN, SHERILYN  
Priority Date 03/10/1980  
Issue Date 08/26/2016

Cert# [91592](#)  
Xfer: T 11176  
County/Basin Washington / Willamette(2)  
Applicant Name TWIGG, SANDRA M.  
TWIGG, RICHARD L.  
Priority Date 05/12/1986  
Issue Date 09/09/9999

Cert# [91593](#)  
Xfer: T 11176  
County/Basin Washington / Willamette(2)  
Applicant Name TWIGG, SANDRA M.  
TWIGG, RICHARD L.  
Priority Date 05/12/1986  
Issue Date 08/26/2016

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
August 30, 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)\*

[ ]  
[ ]  
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**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.