

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
November 29, 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.
- * **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: 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.
- * **Proposed Final Order to Split a Permit and Issue Replacement Water Right Permits**
- * **Certificate Issuance**
Included in this section is a listing of recently issued water right certificates.
- * **Final Order to Amend Hydroelectric Project**

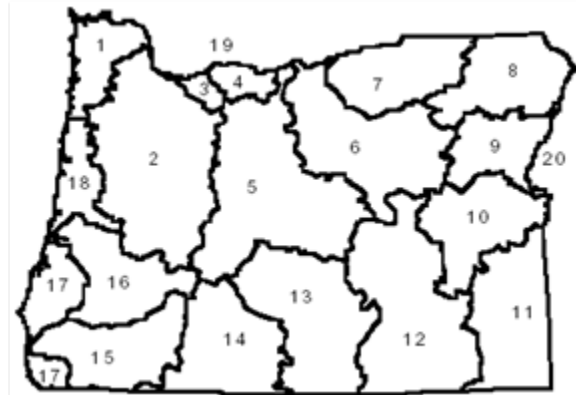
The Public Notice is published each week on the Department's web site at <http://www.wrd.state.or.us/>. If you would like to receive a *free* weekly notification when it is published, please send your request to Marissa.L.Andrews@oregon.gov.

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, December 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, January 13, 2017.

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-18166
County/Basin	Yamhill / Willamette(2)
Applicant Name	PERRYDALE DOMESTIC WATER ASSOCIATION 11475 W PERRYDALE RD AMITY, OR 97101
Sources/TRSQ40Q160	A WELL > WILLAMETTE RIVER BASIN / 6.00S 3.00W 29 SENW
Use/Quantity	QUASI-MUNICIPAL USES / 2.000 CFS
Priority Date	12/04/2015
Stage/Status	PFO / PROPOSE TO APPROVE
App#	G-18304
County/Basin	Josephine / Rogue(15)
Applicant Name	IRISH, KATHLEEN 531 CEDAR FLAT RD WILLIAMS, OR 97544
Sources/TRSQ40Q160	A WELL > WILLIAMS CREEK / 39.00S 5.00W 3 NENW
Use/Quantity	NURSERY USES / 0.067 CFS
Priority Date	05/31/2016
Stage/Status	IR / PROPOSE TO DENY

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 January 13, 2017. 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-14584
Permit#	G-13361
County/Basin	Harney / Malheur Lake(12)
Applicant Name	HULL, JOHN HC253 QUINCY RD BURNS, OR 97720
Sources/TRSQ40Q160	KOCH, LURA 51520 HIGHWAY 78 PRINCETON, OR 97721
Use/Quantity	A WELL > LITTLE ROCK CREEK /
Status	IRRIGATION / 2.000 CFS PROPOSE TO APPROVE
App#	G-16405
Permit#	G-15999
County/Basin	Jackson / Rogue(15)
Applicant Name	SENNHAUSER, ALFRED P. SENNHAUSER, LISA A. 1394 EVERYGREEN LANE ASHLAND, OR 97520-1677
Sources/TRSQ40Q160	A WELL > KITCHEN CREEK / 38.00S 1.00E 26 SWSW A RESERVOIR > BUTLER CREEK / 38.00S 1.00E 27 NESE
Use/Quantity	IRRIGATION / 0.040 CFS
Status	STORAGE / 9.000 AF PROPOSE TO APPROVE

App# R-87569
Permit# [R-14933](#)
County/Basin Yamhill / Willamette(2)
Applicant Name CARLTON NURSERY CO. LLC
PO BOX 398
DAYTON, OR 97114
Sources/TRSQ40Q160 PALMER CREEK > YAMHILL RIVER / 5.00S 3.00W 8 NENW
Use/Quantity MULTIPLE PURPOSE / 62.600 AF
Status PROPOSE TO APPROVE

App# S-87564
Permit# [S-54741](#)
County/Basin Yamhill / Willamette(2)
Applicant Name CARLTON NURSERY CO. LLC
PO BOX 398
DAYTON, OR 97114
Sources/TRSQ40Q160 PALMER CREEK > YAMHILL RIVER / 5.00S 3.00W 8 NENW
A RESERVOIR > PALMER CREEK / 5.00S 3.00W 5 SWNW
Use/Quantity NURSERY USES / 1.000 CFS
NURSERY USES / 60.000 AF
Status PROPOSE TO APPROVE

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 December 29, 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 12523
Water Right	Cert:41697
County/Basin	Lane / Willamette(2)
Applicant Name	CITY OF JUNCTION CITY ATTN: GARY KAPING PO BOX 250 JUNCTION CITY, OR 97448
Proposed Change	ADDITIONAL POINT OF APPROPRIATION, PLACE OF USE
Sources/TRSQ40Q160	A WELL > WILLAMETTE RIVER / 15.00S 4.00W 32 NESW
Use/Quantity	MUNICIPAL USES / 1.830 CFS
Priority Date	09/20/1968

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 December 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-12313 filed by GI Ranch Corporation, 15 SW Colorado Avenue, Ste. 1, Bend, OR 97702, proposes a change in point of appropriation and a change in place of use under Certificates (C-) 42372, 82877, 90460, and 90461. C-42372 allows the use of 0.54 cfs from a well in Sec. 25, T20S, R22E, WM for irrigation in Sec. 36, T20S, R22E, WM. The applicant proposes to move the point of appropriation to Sec. 27, T20S, R22E, WM and to change the place of use to Sec. 27, T20S, R22E, WM. C-82877 allows the use of 2.2 cfs from GI Well No. 3 in Sec. 25, T20S, R22E, WM for irrigation in Sects. 25 and 36, T20S, R22E, WM. The applicant proposes to move the point of appropriation to Sects. 26 and 27, T20S, R22E, WM and to change the place of use to Sects. 26, 27 and 35, T20S, R22E, WM. C-90460 allows the use of 1.49 cfs from the Fife Well in Sec. 3, T21S, R22E, WM for irrigation in Sec. 34, T20S, R22E, WM and in Sec. 3, T21S, R22E, WM. The applicant proposes to move the point of appropriation to Sec. 26, T20S, R22E, WM and to change the place of use to Sects. 26 and 35, T20S, R22E, WM. C-90461 allows the use of 0.14 cfs from Well F3 in Sec. 33, T20S, R22E, WM for irrigation in Sec. 33, T20S, R22E, WM and Sec. 4, T21S, R22E, WM. The applicant proposes to move the point of appropriation to Sec. 26, T20S, R22E, WM and to change the place of use to Sec. 26, T20S, R22E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-11924 filed by Burns Paiute Tribe, 100 Pasigo Street Burns, OR 97720, proposes a change in place of use and a change in character of use under Certificate 49067. The right shall not exceed a rate of one-twentieth of a cubic foot per second per acre and further limited to 1.5 acre feet (AF) per acre in any 30 day period prior to June 1st, 1.0 AF per acre in any 30 day period after June 1st, or 3.0 AF per acre during any season from the Malheur River in Sects. 25 and 33, T20S, R39E, and Sec. 31, T20S, R40E, WM for irrigation and supplemental irrigation in Sects. 28 and 33, T20S, R39E, WM and Sec. 31, T20S, R40E, WM. The applicant proposes to change the place of use to Sects. 26, 27, and 28, T20S, R39E, WM and to change the character of use from supplemental irrigation to primary irrigation. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-12282 filed by Osprey Corner LLC, Shonda K. Warner, 145 Delta, Clarksdale, MS 38614, proposes a point of appropriation change under Registration Application GR-476 (Certificate of Registration GR-458). The registration allows the use of 480 gallons per minute from a well in Sec. 5, T11S, R2W, W.M. for irrigation in Sec. 5. The applicant proposes to move the point of appropriation within Sec. 5, T11S, R2W, W.M. The Water Resources Department proposes to approve the modification, based on the requirements of ORS Chapter 540 and OAR 690-382-1000.

**Proposed Final Order to Split a Permit
and Issue Replacement Water Right Permits**

App #	T-12452
Permit	G-13570
County/Basin	MARION / WILLAMETTE BASIN (2)
Applicant	BRIAN RISSBERGER 9750 LACE LEAF LANE NE AURORA, OR 97002 A & R SPADA FARMS, LLC PO BOX 157 ST. PAUL, OR 97137 NW FARM CREDIT SERVICES, FLCA 650 HAWTHORNE AVE SE STE 210 SALEM, OR 97301
Source/TRSQ40Q160	WELLS 3 AND 7 >RYAN CREEK BASIN/ 4.00S 1.00W SEC 19 NWSE WELL 2 >RYAN CREEK BASIN/ 4.00S 1.00W SEC 19 NESW WELL 6 >RYAN CREEK BASIN/ 4.00S 1.00W SEC 30 NWNW WELL 1 >RYAN CREEK BASIN/ 4.00S 1.00W SEC 30 NENW WELL 4 >RYAN CREEK BASIN/ 4.00S 2.00W SEC 24 SESE WELL 5 >RYAN CREEK BASIN/ 4.00S 2.00W SEC 24 NWSE
Use/Quantity Limit	NURSERY OF 163.8 ACRES / 4.12 CFS 4.12 CUBIC FEET PER SECOND (cfs), being a cumulative total not to exceed 4.12 cfs from Wells 1 (limited to 1.11 cfs), 2 (limited to 1.34 cfs), 3 (limited to 0.33 cfs), 4 (limited to 1.34 cfs), 5, 6, and 7 during the time period September 1 to June 30 of each year, and a cumulative total not to exceed 1.34 cfs from Wells 4 (limited to 1.34 cfs), 5, 6, and 7 during the time period July 1 to August 31 of each year.
Applicant's Use/Quantity	BRIAN RISSBERGER – NURSERY OF 19.6 ACRES – WELL 6 - 0.49 cfs during the time period September 1 to June 30 of each year, and 0.16 cfs during the time period July 1 to August 31 of each year. A & R SPADA FARMS, LLC, NW FARM CREDIT SERVICES, FLCA – NURSERY OF 114.1 ACRES – WELLS 1, 4, 5 - being a cumulative total not to exceed 2.87 cfs from Wells 1 (limited to 1.11 cfs), 4 (limited to 1.34 cfs), and 5 during the time period September 1 to June 30 of each year, and a cumulative total not to exceed 0.93 cfs from Wells 4 and 5 during the time period July 1 to August 31 of each year.
Priority Date	SEPTEMBER 11, 1997
Permit Completion Date	10/01/2026
Stage/Status	PFO / PROPOSE TO APPROVE

Protests:

A record landowner, an applicant, an assignee, an affected water right permit holder, or other interested person may protest the Proposed Final Order. Pursuant to OAR 690-325-0100, protests must: 1) provide a detailed explanation of why the proposed order does not conform with the criteria under ORS 537.225, and a description of the changes to the order that are necessary to correct the nonconformity; and 2) raise all reasonably ascertainable issues at the time the protest is filed. The issues must directly pertain to whether the replacement water right permits are authorized under and in conformance with ORS 537.225. In addition, protests must be accompanied by the appropriate protest fees. Protests must be received by the Department no later than January 13, 2017 (45 Days) after the notice is published in the Department's weekly notice. If no protests are filed, the Department will issue a final order consistent with the Proposed Final Order.

The Proposed Final Order may be viewed free of charge online at:

<http://apps.wrd.state.or.us/apps/wr/wrinfo/>. Persons interested in receiving a copy of a Proposed Final Order 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.

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#	92078
App:	G 16408
County/Basin	Marion / Willamette(2)
Applicant Name	ROBERT W GABRIEL TRUST
Priority Date	03/11/2005
Issue Date	11/29/2016

**Final Order on an Amendment to
Deschutes Valley Water District's Opal Springs Hydroelectric Project**

The Oregon Water Resources Department has approved an Amendment to the Opal Springs Hydroelectric Project under superseding water right Permit S-55026. If you have questions, please contact Mary Grainey (Mary.S.Grainey@oregon.gov) at 503-983-0833.

Applicant: Deschutes Valley Water District (DVWD)
Address: 881 SW Culver Highway
Madras, OR 67741
County/Basin: Jefferson/Deschutes
Priority Date: 02/10/1982 for 1500 CFS, 6/10/1982 for 272.5 CFS
Issue Date: 11/22/2016
Status: Approved

Amendment: To increase the elevation of the diversion inlet from 2000 feet mean sea level (msl) to 2012 msl to facilitate operation of a fish ladder and anadromous fish passage. The water diversion from the Crooked River for hydroelectric use was authorized under Permit S-47591. The reservoir's maximum operating pool would inundate approximately 3.9 additional acres under management by the U.S. Bureau of Land Management. The new pool would approach, but not encroach on, the downstream boundary of the Wild and Scenic segment of the Crooked River. This Amendment would result in no increase in the total diversion of 1772.5 cfs authorized under the Project. This increased head would add 2,417 theoretical horsepower to the project, but no increase is being made to the turbine, generator or nameplate generation capacity. This proposed Amendment is endorsed by Oregon Department of Fish and Wildlife (ODFW) as meeting the standards of the State Fish Passage Law and is agreed upon in an October 2015 Settlement Agreement signed by the DVWD, U.S. Bureau of Indian Affairs, U.S. Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. National Marine Fisheries, ODFW, and Trout Unlimited.

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
November 29, 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:

* 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.