

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
November 28, 2017

*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.
- * **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.
- * **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.
- * **Certificate Issuance**
Included in this section is a listing of recently issued water right certificates.

* **Transfer Application: Split a Permit**
Assignment of a water right permit and request for issuance of replacement permits. (**ORS 537.225; OAR Chapter 690, Division 325**)

* **Recommendation to Consent to Injury**
A recommendation from the agency that requested establishment of an instream water right for the Department to consent to injury of the instream water right resulting from a transfer.

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 |
| | 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, December 28, 2017. 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 \$30. (Any person paying \$30 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 12, 2018.

The protest filing fee is \$410 for the applicants and \$810 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 \$230 to retain the ability to participate in future proceedings relating to an application. Before participation in a hearing is allowed, an additional \$580 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-18386
County/Basin	Lane / Willamette(2)
Applicant Name	HALVERSON, TERESA 102 EUCLID AVE ALBANY, NY 12203
Sources/TRSQ40Q160	A WELL > MCKENZIE RIVER BASIN / 17.00S 1.00W 25 NWNW
Use/Quantity	IRRIGATION / 0.006 CFS
Priority Date	09/16/2016
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 \$30.00 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-18270
County/Basin	Jackson / Rogue(15)
Applicant Name	MINCHOW, MONTE 2232 ZEMKE RD TALENT, OR 97540
Priority Date	02/16/2016
Issue Date	11/21/2017
Status	APPROVED
App#	G-18276
County/Basin	Lake / Goose & Summer Lake(13)
Applicant Name	FERRELL, JUSTIN R. AND JAYNA L. 29261 ABERT RIM RD LAKEVIEW, OR 97630
Priority Date	04/06/2016
Issue Date	11/17/2017
Status	APPROVED
App#	LL-1717
County/Basin	Umatilla / Umatilla(7)
Applicant Name	MADISON, JAKE 29299 MADISON RD ECHO, OR 97826
Issue Date	11/21/2017
Status	APPROVED
App#	LL-1719
County/Basin	Jackson / Rogue(15)
Applicant Name	CHEVALIER, TRUSTEE, KATHLEEN 5468 PIRE AVE SAN DIEGO, CA 92122
Issue Date	11/21/2017
Status	APPROVED
App#	R-87516
County/Basin	Grant / John Day(6)
Applicant Name	ENSIGN, CRAIG 55409 PAUL CREEK LANE LONG CREEK, OR 97856
Priority Date	08/21/2009
Issue Date	11/21/2017
Status	APPROVED

App# [R-88417](#)
County/Basin Yamhill / Willamette(2)
Applicant Name SARBANAND ENTERPRISES LLC
786 RD 188
DELANO, CA 93215
Priority Date 06/14/2017
Issue Date 11/21/2017
Status APPROVED

App# [R-88418](#)
County/Basin Yamhill / Willamette(2)
Applicant Name SARBANAND ENTERPRISES LLC
786 RD 188
DELANO, CA 93215
Priority Date 06/14/2017
Issue Date 11/21/2017
Status APPROVED

App# [R-88420](#)
County/Basin Yamhill / Willamette(2)
Applicant Name ASCHIM, CASEY
7007 NE MINERAL SPRINGS RD
CARLTON, OR 97111
Priority Date 06/22/2017
Issue Date 11/21/2017
Status APPROVED

App# [R-88428](#)
County/Basin Benton / Willamette(2)
Applicant Name MOSIER, RICHARD AND JESSICA
25769 CHERRY CREEK RD
MONROE, OR 97456
Priority Date 07/14/2017
Issue Date 11/17/2017
Status APPROVED

App# [S-88461](#)
County/Basin Clackamas / Willamette(2)
Applicant Name RUBEL, SCOTT
SCHATZ, RACHEL
37246 S BLUE RD
MOLALLA, OR 97038
Priority Date 09/25/2017
Issue Date 11/21/2017
Status APPROVED

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 **December 28, 2017**. 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-88476](#)
County/Basin Jackson / Rogue(15)
Applicant Name LEE, STEVEN E. AND CRESTA H.
3649 OLD FERRY RD
SHADY COVE, OR 97539
Sources/TRSQ40Q160 A RESERVOIR > ROGUE RIVER / 33.00S 1.00E 26 SWNW
ROGUE RIVER > PACIFIC OCEAN / 34.00S 1.00W 2 NWNE
Use/Quantity IRRIGATION / 45.000 AF
Priority Date 11/13/2017

App# [S-88477](#)
County/Basin Crook / Deschutes(5)
Applicant Name WAIBEL RANCHES LLC
WILLIAMS, BOB
3672 SW JUNIPER CANYON RD
PRINEVILLE, OR 97754
Sources/TRSQ40Q160 A RESERVOIR > ALLEN CREEK / 14.00S 21.00E 2 SESE
ALLEN CREEK > NORTH FORK CROOKED RIVER / 17.00S 21.00E 5 NWNE
Use/Quantity SUPPLEMENTAL IRRIGATION / 200.000 AF
Priority Date 11/15/2017

**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 December 28, 2017. 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 \$30 (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-17028
Permit Number	G-16473
County/Basin	Harney / Malheur Lake(12)
Applicant Name	DEGUIRE, LYNN S. PO BOX 685 CRANE, OR 97732
	FITCH, JACK AND CAROLYN 822 SANDPINE LOOP NE KEIZER, OR 97303
Sources/TRSQ40Q160	A WELL > MALHEUR LAKE / 26.00S 33.00E 30 NWNE
Use/Quantity	IRRIGATION / 1.000 CFS
Proposed Completion Date	10/01/2022

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 \$30. (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 12, 2018. There is no fee for submission of comments. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO.

1.) OAR-690-315

App#	G-16843
Permit#	G-16399
County/Basin	Harney / Malheur Lake(12)
Applicant Name	BANK OF EASTERN OREGON PO BOX 39 HEPPNER, OR 97836
Sources/TRSQ40Q160	KOEHN, CAMERON L. 67625 S NEWTON RD BURNS, OR 97720 A WELL > NINEMILE SLOUGH / 24.00S 32.50E 16 NESW A WELL > NINEMILE SLOUGH / 24.00S 32.50E 16 NWNW A WELL > NINEMILE SLOUGH / 24.00S 32.50E 16 NENW A WELL > NINEMILE SLOUGH / 24.00S 32.50E 16 SENW
Use/Quantity	IRRIGATION / 4.3 CFS
Status	PROPOSE TO APPROVE
App#	G-16956
Permit#	G-16379
County/Basin	Wasco / Deschutes(5)
Applicant Name	DAVIS, MIKE AND CAROLYN PO BOX 188 TYGH VALLEY, OR 97063
Sources/TRSQ40Q160	A WELL > WHITE RIVER BASIN / 3.00S 13.00E 35 SESE A WELL > WHITE RIVER BASIN / 3.00S 13.00E 35 NESE
Use/Quantity	IRRIGATION / 1.49 CFS
Status	PROPOSE TO APPROVE

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 December 12, 2017, 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-1722
County/Basin	Coos / South Coast(17)
Applicant Name	WALKER, CHAD WEST COAST CONTRACTORS INC 61050 HWY 101 COOS BAY, OR 97420
Sources/TRSQ40Q160	S FK COOS R > COOS R / 25.00S 12.00W 26 SWNW
Use/Quantity	ROAD CONSTRUCTION OR MAINTENANCE / 60 GPM UP TO 150,000.00 GALLONS

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 28, 2017. 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 12773
Water Right	Cert:54268
County/Basin	Linn / Willamette(2)
Applicant Name	INTERNATIONAL PAPER COMPANY 6400 POPLAR MEMPHIS, TN 38197
Proposed Change	PLACE OF USE,USE,POINT OF DIVERSION, SURFACE WATER TO GROUND WATER
Sources/TRSQ40Q160	WILLAMETTE RIVER > COLUMBIA RIVER / 10.00S 3.00W 32 NENE
Use/Quantity	INDUSTRIAL/MANUFACTURING USES / 18.000 CFS
Priority Date	12/23/1954

Transfer	T 12774
Water Right	Cert:74512 , Cert:48966
County/Basin	Jackson / Rogue(15)
Applicant Name	EBNESAJJAD, GIN GUEI JOY LUCK FARM, INC. 225 WEST RAPP RD TALENT, OR 97540
Proposed Change	ADDITIONAL POINT OF DIVERSION
Sources/TRSQ40Q160	WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 26 SENW WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 26 NESW WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 26 NWSE WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 35 NWNW
Use/Quantity	DOMESTIC / 0.020 CFS DOMESTIC / 0.240 CFS DOMESTIC / 1.250 CFS IRRIGATION / 0.130 CFS
Priority Date	12/31/1852, 12/31/1854, 12/31/1864, 12/31/1854

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 \$810.00 protest fee for non-applicant and \$410.00 protest fee for applicant. Protests must be received by the Department on or before December 28, 2017, 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-12703 filed by Michael Lisk, 488 North Main St, Ashland, OR 97520, proposes an additional point of diversion under Certificate 45393. The right allows the use of 0.13 cubic foot per second from Evans Creek in Sec. 21, T35S, R4W, WM for irrigation in Sec. 21. The applicant proposes an additional point of diversion in Sec. 21, T25S, R4W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-12454 filed by City of Dayton, PO Box 339, Dayton, OR 97114-0339, proposes additional points of appropriation, a change in place of use, and a change in character of use under Certificates 89938, 89939 and 72404. Certificate 89938 allows the use of 0.125 cubic foot per second (cfs), Certificate 89939 allows the use of 0.90 cfs, both from the same two wells within Sec. 19, T4S, R3W, WM, both for nursery use within Sec. 19, T4S, R3W, WM. Certificate 72404 allows the use of 0.33 cfs from a well in Sec. 19, T4S, R3W, WM, for nursery operation within Sec. 19, T4S, R3W, WM. The applicant proposes additional points of appropriation within Sec. 19, T4S, R3W, WM, and to change the place of use and character of use to municipal use within the City of Dayton service area. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-12586 filed by City of Scappoose, 33568 E. Columbia Ave, Scappoose OR 97056, proposes an additional point of appropriation under Certificate 91496. Certificate 91496 allows the use of 0.89 cubic foot per second from a well within Sec. 13, T3N, R2W, WM, for municipal use within the City of Scappoose service area. The applicant proposes an additional point of appropriation to within Sec. 13, T3N, R2W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-12685 filed by U.S. Bureau of Reclamation, Attn: Dawn Wiedmeier 1917 Marsh Rd, Yakima, WA 98901-2058, proposes a change in place of use under Certificate 80462. The right allows the use of 600.0 acre-feet stored water only from Howard Prairie Reservoir in Sec. 32, T38S, R4E, WM for municipal use within the service area of the City of Talent, Oregon. The applicant proposes to change the place of use to within the service area of the City of Ashland. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

***See next page for more**

T-12508 filed by Badger Ventures LLC, PO Box 746 Crane, OR 97732, proposes an additional point of appropriation and a change in place of use under Certificate 84051. The right allows the use of 1.0 cubic foot per second from a well in Sec. 19, T24S, R34E, WM for irrigation in Sec. 19. The applicant proposes an additional point of appropriation within Sec. 19, T24S, R34E, WM and to change the place of use within Sec. 19, T24S, R34E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-12612 filed by Dayspring Partners LLC, 15350 SW Sequoia Parkway, Suite 250, Portland, OR 97224, propose changes in place of use under portions of Certificates 88259, 88260, 88261, 88262 and 88263. Certificate 88259 allows the use of 1/40th cfs from High Creek in Sec. 14, T13S, R24E, WM for irrigation in Sec. 11, T13S, R24E, WM. Certificate 88260 allows the use of 1/40th cfs from Spring and Rock Creek in Sec. 14, T13S, R24E, WM for supplemental irrigation in Sec. 11, T13S, R24E, WM. Certificate 88261 allows the use of 0.125 cfs from Rock Creek in Sects. 14 and 27, T13S, R24E, WM for supplemental irrigation in Sec. 11, T13S, R24E, WM. Certificate 88262 allows the use of 7.6 acre-feet Frog Pond Reservoir in Sec. 16, T13S, R24E, WM for supplemental irrigation in Sec. 11, T13S, R24E, WM. Certificate 88263 allows the use of 0.063 cfs from an unnamed drainageway and 11.56 acre-feet stored water from Beaver Pond Reservoir in Sec. 14, T13S, R24E, WM for supplemental irrigation in Sec. 11, T13S, R24E, WM. The applicant proposes to change the place of use of all rights to within Sects. 11 and 14, T13S, R24E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

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#	93487
Xfer:	T 12034
County/Basin	Wallowa / Grande Ronde(8)
Applicant Name	WALLOWA LAKE COUNTY SERVICE DISTRICT
Priority Date	06/25/1952
Issue Date	11/27/2017

Notice of Application to Split a Permit

Applications of a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use, to assign all or part of the water right permit and to request issuance of a replacement permit to reflect an assignment from the current permit holder to one or more additional permit holders. The Department welcomes comments from interested persons, agencies, and organizations. **The comment deadline for notice of the application(s) appearing in this public notice is 5:00 pm, December 27th, 2017.** Although we cannot respond individually to all comments, each will be considered as the agency makes its decision regarding the proposed splitting of a permit.

The application 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 \$30. Any person paying \$30 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.

Transfer Permit	T-12723 G-13748
County/Basin	BAKER /BASIN 6
Applicant	ROCK CREEK CROSSING LLC 64771 UPPER ROCK CREEK RD ARLINGTON, OR. 97182
Source/TRSQ40Q160	WELLS > ROCK CREEK BASIN / 1.00S 21.00E SEC24 NESE
Priority Date	SEPTEMBER 25, 1998
Use/Quantity	IRRIGATION / 0.70 CFS
Limit	1/80 CFS PER ACRE/ 3.0 AF PER ACRE IRRIGATED DURING IRRIGATION SEASON EACH YEAR
Applicant's Use/Quantity	0.70 CFS
Permit Completion Date	10/01/2020

Notice of Receipt of Recommendation to Consent to Injury
For Water Right Transfer T-12166

[T-12166](#) filed by Don Rathburn, PO Box 991, Myrtle Creek, OR 97457, proposes a change in point of diversion under Certificate 48868. The right allows the use of 0.07 cfs from North Myrtle Creek in Sec. 33, T28S, R4W, WM for irrigation in Sec. 33.

The applicant proposes to move the point of diversion approximately 530 feet upstream on North Myrtle Creek in Sec. 33, T28S, R4W, WM. The Water Resources Department determined that the transfer would injure instream water right Certificate 73068. The Oregon Department of Fish and Wildlife (ODFW) concluded that the transfer would result in net benefits to the resource if conditioned as follows:

- a) ODFW recommends the transfer applicant comply with terms of the voluntary mitigation to minimize detrimental impacts to fish, wildlife, and/or their habitat. ODFW understands that the mitigation and following conditions will be fully incorporated into the requirements of the new certificate and may only be altered by written mutual agreement of all parties. ODFW recommends regulation of the use and/or cancellation of the certificate(s) if the required mitigation is not maintained.
 - i) The applicant's voluntary mitigation measures are as follows:
 - (1) The voluntary cancellation of the water right (*Certificate 48868*) now located on impervious surfaces created from the construction of the Rathburn home, drive, parking, garage, deck and shop. The sum of the impervious surfaces totals 28,000 square feet (0.64 acre), and therefore is a reduction in the rate near 0.01 cubic foot per second (cfs). The rate authorized for the remaining irrigated area (*under Transfer Application T-12166*) will be 0.06 cfs.
 - (2) To agree to locate the new point of diversion above the confluence of Slide Creek, thus reducing the impact of fish passage to Slide Creek.
 - (3) The certificate involved (*Certificate 48868*) has a priority date of April 11, 1972; to agree to a condition to become subordinate to a 1974 instream water right (*Certificate 59937*).
 - (4) The irrigation season for the system is March 1 to October 31; to agree to condition the transfer's irrigation season to May 1 to October 1. This results in 5.3 acre-feet remaining instream.
 - b) The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage without obtaining approval from ODFW. The permittee is hereby directed to contact an ODFW Fish Passage Coordinator prior to construction of any in-channel obstruction or prior to diversion of water that may create an artificial obstruction due to low flow.

- c) The permittee shall install, maintain, and operate fish screening consistent with current ODFW standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional, and approved in writing by ODFW prior to diversion of water. The permittee is hereby directed to contact the ODFW Fish Screening Coordinator prior to diversion of water.
- d) If the riparian area is disturbed in the process of developing a point of diversion or delivery system, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415.
- e) Construction must occur during ODFW's established in-water work period (July 1 to September 15) unless otherwise approved by ODFW.
- f) Site specific conditions:
 - i) 0.01 cfs of Certificate 48868 will be cancelled upon approval of the transfer
 - ii) Use of the remaining 0.06 cfs transferred upstream from Certificate 48868 will limited to May 1 – October 31 each year.
- g) Other comments
 - i) Although not a requirement due to the bedrock nature of the reach, ODFW recommends the proposed point of diversion be located **downstream** of the Slide Creek confluence, if a location is feasible. This will allow more water at the confluence, aiding fish access to this important tributary.
 - ii) Subordination to Certificate 59937 (March 26, 1974 priority date) is **not** necessary to achieve a net benefit.

Copies of the WRD's Preliminary Determination proposing denial of the transfer and ODFW's recommendation are available for viewing at the Salem office of the Water Resources Department. Any person may review the recommendation and submit written comments or may submit a written request for a public meeting to review the recommendation. The comments or request for a meeting must be received by WRD on or before **December 27th, 2017**.

WRD will provide copies of any comments submitted in response to this notice to ODFW. If a meeting is requested, WRD will schedule a joint public meeting with ODFW to review the recommendation.

To review the recommendation, contact Joan Smith at 503-986-0892 or e-mail Joan.M.Smith@oregon.gov. Written comments and requests for a public meeting should be mailed to Attn: Joan Smith, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1266 or faxed to 503-986-0901.

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
November 28, 2017

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 \$30 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 \$30 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.