

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
**February 6, 2018**

*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.
- \* **Alternate Reservoir Applications (ORS 537.409)**  
Applications for storage permits for small ponds 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.
- \* **Pending Municipal Permit Extension Applications**
- \* **Applications for Limited Licenses**  
Requests to use water for 5 years or less. Licenses are subordinate to other rights and may be revoked if a use is found to injure other water right holders.
- \* **Application for Instream Lease**  
Application by water right holder to lease existing water rights to instream use.
- \* **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: Temporary Transfers**  
Requests to temporarily change place of use and, if necessary to convey the water to the new place of use, to temporarily change the point of diversion or appropriation.
- \* **Transfer Applications: 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.

\* **Notice of Intent to Reauthorize HE 238, HE 250**

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 [Stacy.H.Phillips@oregon.gov](mailto:Stacy.H.Phillips@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, March 08, 2018.** 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, March 23, 2018.**

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-18205](#)  
County/Basin Multnomah / Sandy (3)  
Applicant Name FAMILY WEST HOLDING CO. LLP  
FROUG, JEFFERY  
400 NE LUCAS RD  
TROUTDALE, OR 97060  
Sources/TRSQ40Q160 A WELL > SMITH CREEK BASIN / 1.00N 4.00E 33 NWSW  
Use/Quantity NURSERY USES / 0.840 CFS  
Priority Date 03/04/2016  
Stage/Status PFO / PROPOSE TO APPROVE

App# [G-18367](#)  
County/Basin Jackson / Rogue (15)  
Applicant Name OTT, PAMELA  
RANGOLE, TIFFANY  
13933 E EVANS CREEK RD  
ROGUE RIVER, OR 97537  
Sources/TRSQ40Q160 A WELL > MAYS CREEK BASIN / 35.00S 3.00W 5 NWNE  
A RESERVOIR > MAYS CREEK BASIN / 35.00S 3.00W 5 NENE  
Use/Quantity NURSERY USES / 0.160 CFS  
NURSERY USES / 1.000 AF  
Priority Date 08/15/2016  
Stage/Status PFO / PROPOSE TO APPROVE

App# [G-18387](#)  
County/Basin Josephine / Rogue (15)  
Applicant Name HINKLE, AUSTIN L.  
9582 LOWER RIVER RD  
GRANTS PASS, OR 97526  
Sources/TRSQ40Q160 A WELL > PASS CREEK BASIN / 36.00S 6.00W 6 SESW  
Use/Quantity NURSERY USES / 0.060 CFS  
Priority Date 09/19/2016  
Stage/Status PFO / PROPOSE TO APPROVE

App# [G-18534](#)  
County/Basin Yamhill / Willamette (2)  
Applicant Name DE PONTE CELLARS LLC  
BALDWIN, SCOTT  
17545 NE ARCHERY SUMMIT RD  
DAYTON, OR 97114  
Sources/TRSQ40Q160 A WELL > UNNAMED STREAM BASIN / 3.00S 5.00W 16 NWNE  
Use/Quantity IRRIGATION / 0.049 CFS  
Priority Date 07/10/2017  
Stage/Status PFO / PROPOSE TO APPROVE

App# [S-88064](#)  
County/Basin Malheur / Malheur (10)  
Applicant Name J C WATSON CO.  
PO BOX 300  
PARMA, ID 83660  
Sources/TRSQ40Q160 LOCKET GULCH > SNAKE RIVER / 20.00S 47.00E 7 SWSW  
Use/Quantity SUPPLEMENTAL IRRIGATION / 7.260 CFS  
Priority Date 03/23/2015  
Stage/Status IR / PROPOSE TO DENY

App# [G-18513](#)  
County/Basin Baker / Powder (9)  
Applicant Name BANISTER, TIMOTHY AND JENNIFER  
44893 KEATING CUTOFF RD  
BAKER CITY, OR 97814  
Sources/TRSQ40Q160 A WELL > POWDER RIVER / 8.00S 42.00E 19 NWNW  
Use/Quantity IRRIGATION / 0.400 CFS  
Priority Date 05/12/2017  
Stage/Status IR / PROPOSE TO APPROVE

App# [G-18557](#)  
County/Basin Multnomah / Willamette (2)  
Applicant Name CEREGHINO, MIKE  
20525 NE WISTFUL VISTA DR  
FAIRVIEW, OR 97024  
Sources/TRSQ40Q160 A WELL > DAIRY CREEK / 3.00N 1.00W 35 SWNW  
Use/Quantity IRRIGATION / 1.220 CFS  
Priority Date 09/22/2017  
Stage/Status IR / PROPOSE TO APPROVE

App# [G-18573](#)  
County/Basin Marion / Willamette (2)  
Applicant Name WERNER, DALE  
13543 MANNING RD NE  
GERVAIS, OR 97026  
Sources/TRSQ40Q160 A WELL > EAST FORK CHAMPOEG CREEK / 5.00S 2.00W 28 NENW  
A WELL > EAST FORK CHAMPOEG CREEK / 5.00S 2.00W 21 SWSW  
Use/Quantity IRRIGATION / 1.060 CFS  
Priority Date 10/26/2017  
Stage/Status IR / PROPOSE TO DENY

App# [S-88478](#)  
County/Basin Deschutes, Jefferson, Klamath / Deschutes (5)  
Applicant Name TUMALO IRRIGATION DISTRICT  
ATTN: KEN RIECK  
64697 COOK AVE  
BEND, OR 97703  
Sources/TRSQ40Q160 DESCHUTES RIVER > COLUMBIA RIVER / 12.00S 12.00E 29 NWSE  
Use/Quantity INSTREAM USES / 1000.000 AF  
Priority Date 11/29/2017  
Stage/Status IR / 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-17556](#)  
County/Basin Klamath / Klamath (14)  
Applicant Name NOONAN, MIKE  
12080 HOMEDALE  
KLAMATH FALLS, OR 97603  
Priority Date 04/27/2012  
Issue Date 01/31/2018  
Status DENIED

App# [G-17562](#)  
County/Basin Harney / Malheur Lake (12)  
Applicant Name THORENFELDT, BO  
885 HILLSBOROUGH BLVD  
HILLSBOROUGH, CA 94010  
Priority Date 06/11/2012  
Issue Date 01/31/2018  
Status APPROVED

App# [G-18121](#)  
County/Basin Crook / Deschutes (5)  
Applicant Name ARNETT, RANDALL  
645 G ST STE 100 NUMBER 575  
ANCHORAGE, AK 99501  
Priority Date 07/27/2015  
Issue Date 02/06/2018  
Status APPROVED

App# [G-18203](#)  
County/Basin Jackson / Rogue (15)  
Applicant Name MULLEN, SPENCER  
12896 PERRY RD  
CENTRAL POINT, OR 97502  
Priority Date 02/29/2016  
Issue Date 02/06/2018  
Status DENIED

App# [G-18252](#)  
County/Basin Lane / Middle Coast (18)  
Applicant Name CONSIGLIO, KEITH  
6000 CANARY RD  
WESTLAKE, OR 97493  
Priority Date 02/02/2016  
Issue Date 02/06/2018  
Status APPROVED

App#	<a href="#">G-18375</a>
County/Basin	Jackson / Rogue (15)
Applicant Name	ANDERSON, SAMUEL LOUIS 1418 N SCOTTSDALE RD SCOTTSDALE, AZ 85257
Priority Date	08/24/2016
Issue Date	02/06/2018
Status	DENIED
App#	<a href="#">G-18376</a>
County/Basin	Josephine / Rogue (15)
Applicant Name	CLINE, JACK 290 CREST DR CAVE JUNCTION, OR 97523
Priority Date	08/26/2016
Issue Date	02/06/2018
Status	APPROVED
App#	<a href="#">G-18437</a>
County/Basin	Deschutes / Deschutes (5)
Applicant Name	SCHUTT TUTEN FAMILY TRUST 1018 WATER ST PORT TOWNSEND, WA 98368
Priority Date	01/18/2017
Issue Date	02/02/2018
Status	APPROVED
App#	<a href="#">G-18487</a>
County/Basin	Marion / Willamette (2)
Applicant Name	JOHNSON, MARTY 1659 95TH AVE NE SALEM, OR 97317
Priority Date	03/28/2017
Issue Date	02/02/2018
Status	APPROVED
App#	<a href="#">G-18514</a>
County/Basin	Clackamas / Willamette (2)
Applicant Name	AICHELE MYERS, SAUNDRA K. MYERS, RONALD L. 23255 SE DOWTY RD EAGLE CREEK, OR 97022
Priority Date	05/11/2017
Issue Date	02/06/2018
Status	APPROVED



App#	<a href="#">G-18516</a>
County/Basin	Yamhill / Willamette (2)
Applicant Name	DURANT VINEYARDS DURANT, KEN PO BOX 99 DUNDEE, OR 97115
Priority Date	05/19/2017
Issue Date	02/02/2018
Status	APPROVED
App#	<a href="#">G-18530</a>
County/Basin	Linn / Willamette (2)
Applicant Name	HEUBERGER INVESTMENTS LLC HEUBERGER, JON A. PO BOX 827 SUBLIMITY, OR 97385
Priority Date	06/28/2017
Issue Date	02/02/2018
Status	APPROVED
App#	<a href="#">R-88419</a>
County/Basin	Washington / Willamette (2)
Applicant Name	CITY OF HILLSBORO; PARKS AND RECREATION DEPARTMENT ATTN: JEROEN KOK 4400 NW 229TH AVE HILLSBORO, OR 97124
Priority Date	06/15/2017
Issue Date	02/02/2018
Status	APPROVED
App#	<a href="#">R-88462</a>
County/Basin	Polk / Willamette (2)
Applicant Name	JOHNSON, MICHAEL 9090 RED PRAIRIE RD SHERIDAN, OR 97378
Priority Date	09/29/2017
Issue Date	02/02/2018
Status	APPROVED
App#	<a href="#">S-88150</a>
County/Basin	Umatilla / Umatilla (7)
Applicant Name	RUPP, RANDY 176 KRANICHWOOD ST RICHLAND, WA 99352
Priority Date	11/17/2015
Issue Date	02/06/2018
Status	DENIED

App# [S-88161](#)  
County/Basin Morrow, Umatilla / Umatilla (7)  
Applicant Name WESTLAND IRRIGATION DISTRICT  
PO BOX 944  
HERMISTON, OR 97838  
Priority Date 12/24/2015  
Issue Date 01/31/2018  
Status APPROVED

App# [S-88429](#)  
County/Basin Clackamas / Willamette (2)  
Applicant Name BERNERT, DAVID  
4131 IMPERIAL DR  
WEST LINN, OR 97068  
Priority Date 07/19/2017  
Issue Date 02/02/2018  
Status APPROVED

App# [S-88473](#)  
County/Basin Washington / Willamette (2)  
Applicant Name MOTZ FARM PROPERTIES LLC  
11445 NW SKYLINE BLVD  
PORTLAND, OR 97231  
Priority Date 10/30/2017  
Issue Date 10/30/2022  
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 April 07, 2018.**

App#	<a href="#">R-88503</a>
County/Basin	Polk / Willamette (2)
Applicant Name	LONE STAR ROAD LLC ATTN: GERALD M BIEZE 1118 NORTSHORE RD LAKE OSWEGO, OR 97034
Sources/TRSQ40Q160	A SPRING > KING CREEK / 6.00S 4.00W 12 NWNE RUNOFF > KING CREEK / 6.00S 4.00W 12 NWNE
Use/Quantity	MULTIPLE PURPOSE / 3.000 AF
Priority Date	01/24/2018

## **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 March 23, 2018.** 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-17109
Permit#	<a href="#">G-16920</a>
County/Basin	Washington / Willamette (2)
Applicant Name	IWASAKI BROS INC. 2555 SE MINTER BRIDGE RD HILLSBORO, OR 97123-5299
Sources/TRSQ40Q160	A WELL > ROCK CREEK / 1.00S 2.00W 8 NWNW A WELL > ROCK CREEK / 1.00S 2.00W 8 SWNW
Use/Quantity	NURSERY USES / 0.330 CFS
Status	PROPOSE TO APPROVE
App#	G-16015
Permit#	<a href="#">G-15774</a>
County/Basin	Baker / Powder (9)
Applicant Name	HELEN M TROY TRUST 2055 SECOND ST BAKER CITY, OR 97814
Sources/TRSQ40Q160	A WELL > STRAW RANCH CREEK / 10.00S 42.00E 33 NENW
Use/Quantity	SUPPLEMENTAL IRRIGATION / 3.270 CFS
Status	PROPOSE TO APPROVE

**Pending Municipal Permit Extension Applications  
Sent to Oregon Department of Fish and Wildlife for Review**

Consistent with OAR 690-315-0080 the Department must notify Oregon Department of Fish and Wildlife of certain pending municipal water use extension applications. If applicable under OAR 690-315-0080 any undeveloped portion of a municipal permit must be conditioned to maintain the persistence of listed fish species in the portions of waterways affected by water use under the permit. The following applications were referred to the Oregon Department of Fish and Wildlife on February 2, 2018.

Application File Number: **G-12344**  
Permit Number: G-11993  
Applicant: City of Prineville  
Water Source: A well in Ochoco Creek Basin

Application File Number: **G-11942**  
Permit Number: G-11379  
Applicant: City of Bend  
Water Source: Four wells in Deschutes River Basin

Application File Number: **S-55338**  
Permit Number: S-42117  
Applicant: City of Cottage Grove  
Water Source: Row River, Tributary to Coast Fork Willamette River

Application File Number: **S-67983**  
Permit Number: S-49823  
Applicant: City of Bend  
Water Source: Bridge Creek, tributary to Tumalo Creek, and an unnamed stream, tributary to Middle Fork Tumalo Creek

Application File Number: **G-11769**  
Permit Number: G-10890  
Applicant: City of Monroe  
Water Source: One well in Long Tome River Basin

## 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 February 20, 2018, 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#	<a href="#">LL-1734</a>
County/Basin	Lincoln / Middle Coast (18)
Applicant Name	HENDERSON ENVIRONMENT DESIGN - BUILD PROFESSIONALS LLC 200 N. STATE ST. SUITE 103 LAKE OSWEGO, OR 97034
Sources/TRSQ40Q160 Use/Quantity	BIG ELK CREEK > YAQUINA RIVER / 11.00S 10.00W 14 SWNE IRRIGATION TO ESTABLISH / 50 GPM

## Applications for Instream Lease

ORS 537.348 authorizes a water right holder to lease their existing water right(s) to instream use for a limited time. For the term of the lease, the water right holder agrees to suspend use of water under the original right. The state is the trustee for water rights leased for instream use. OAR 690-077-0077 requires that the Department public notice the lease applications.

**The deadline for submitting claims of injury to existing water rights or enlargement of the original right against a lease application is February 27, 2018.** Parties to the lease, including the Department, will review any such claims before the lease is finalized. The lease files are available for viewing at the Salem office of the Water Resources Department. If you have questions or comments please contact the Lease Specialist at 503-986-0898.

Lease# [IL 137](#)  
County/Basin Polk / Willamette (2)  
Certificate 23064, 37348  
Lessor STANGIER, LISA L.  
JOHN A. HEFFLEY CREDIT SHELTER TRUST OF JUNE 23, 2011  
PO BOX 580  
MONMOUTH, OR 97361-0580  
Priority Date 03/13/1952, 07/28/1965  
Source/Tributary To LUCKIAMUTE RIVER / WILLAMETTE RIVER

Lease# [IL 1622](#)  
County/Basin Polk / Willamette (2)  
Certificate 45567  
Applicant OSBORN, WAYNE  
249 NW JASPER ST. #2305  
DALLAS, OR 97338  
Priority Date 05/30/1973  
Source/Tributary To LITTLE LUCKIAMUTE RIVER / LUCKIAMUTE RIVER

Lease# [IL 1640](#)  
County/Basin Jackson / Rogue (15)  
Certificate 57592, 62400  
Lessor BRADEN, RICHARD  
PADRE PROPERTIES, LLC  
PO BOX 1032  
HUGHSON, CA 95326  
Priority Date 04/16/1912, 07/22/1981  
Source/Tributary To APPELEGATE RIVER / ROGUE RIVER  
APPELEGATE L RESERVOIR / APPELEGATE RIVER

Lease# [IL 1641](#)  
County/Basin Yamhill / Willamette (2)  
Certificate 5466  
Lessor HANNAN, JOE  
CITY OF NEWBERG  
PO BOX 970  
NEWBERG, OR 97132  
Lessor ROOS, MICHAEL  
CHEHALEM SPRINGS WATER ASSOCIATION  
NEWBERG, OR 97132  
Priority Date 07/10/1923  
Source/Tributary To ATKINSON SPRING / HESS CREEK

## 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 March 08, 2018. 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 12830](#)  
Water Right Cert:6829  
County/Basin Yamhill / Willamette (2)  
Applicant Name CITY OF NEWBERG; ATTN: JAY HARRIS  
PO BOX 970  
NEWBERG, OR 97132  
Proposed Change PLACE OF USE,USE  
Sources/TRSQ40Q160 A SPRING > HESS CREEK / 3.00S 2.00W 5 NESE  
Use/Quantity MUNICIPAL USES / 0.010 CFS  
Priority Date 1894

Transfer [T 12831](#)  
Water Right Cert:5456  
County/Basin Yamhill / Willamette (2)  
Applicant Name CITY OF NEWBERG; ATTN: JAY HARRIS  
PO BOX 970  
NEWBERG, OR 97132  
Proposed Change PLACE OF USE,USE  
Sources/TRSQ40Q160 A SPRING > CHEHALEM CREEK / 3.00S 2.00W SWSW  
Use/Quantity MUNICIPAL USES / 2.000 CFS  
Priority Date 06/24/1919

Transfer [T 12832](#)  
Water Right Cert: 5357 CR, Cert: 8861, Cert: 85690  
County/Basin Josephine / Rogue (15)  
Applicant Name HYDE, WILMA  
501 PANTHER GULCH RD  
WILLIAMS, OR 97544  
Proposed Change POINT OF DIVERSION,PLACE OF USE  
Sources/TRSQ40Q160 EAST FORK WILLIAMS CREEK > WILLIAMS CREEK / 39.00S 5.00W 14 SENW  
EAST FORK WILLIAMS CREEK > WILLIAMS CREEK / 39.00S 5.00W 14 SENW  
FIDLER'S GULCH > EAST FORK WILLIAMS CREEK / 39.00S 5.00W 11 SWNW  
Use/Quantity IRRIGATION / 0.180 CFS  
IRRIGATION / 1.290 CFS  
IRRIGATION / 0.200 CFS  
Priority Date 09/10/1918, 04/24/1920, 08/03/1915



Transfer	<a href="#">T 12833</a>
Water Right	Cert: 57864, Cert: 93424
County/Basin	Harney / Malheur Lake (12)
Applicant Name	GOLDEN RULE FARMS INC. PO BOX 255 CHRISTMAS VALLEY, OR 97641
Proposed Change	POINT OF APPROPRIATION,PLACE OF USE
Sources/TRSQ40Q160	A WELL > MALHEUR LAKE / 24.00S 34.00E 30 NWNW A WELL > MALHEUR LAKE BASIN / 25.00S 31.00E 32 NENE A WELL > MALHEUR LAKE BASIN / 25.00S 31.00E 32 SWNE A WELL > MALHEUR LAKE BASIN / 25.00S 31.00E 33 NWNW
Use/Quantity	IRRIGATION / 1.340 CFS AGRICULTURE USES / 1.008 CFS AGRICULTURE USES / 2.292 CFS
Priority Date	05/01/1978, 02/08/1999
Transfer	<a href="#">T 12835</a>
Water Right	Cert: 64644, Cert: 64645
County/Basin	Marion, Yamhill / Willamette (2)
Applicant Name	ACMPC OREGON 3, LLC P.O. BOX 717 JEFFERSON, OR 97352
Proposed Change	ADDITIONAL POINT OF DIVERSION
Sources/TRSQ40Q160	WILLAMETTE RIVER > COLUMBIA RIVER / 4.00S 3.00W 1 SENW WILLAMETTE RIVER > COLUMBIA RIVER / 4.00S 3.00W 1 NESW
Use/Quantity	IRRIGATION / 1.050 CFS IRRIGATION / 2.500 CFS
Priority Date	02/18/1977, 01/29/1953

## **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 March 08, 2018, 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-12440** filed by Breitenbush Hot Springs, PO Box 578, Detroit, OR 97342, proposes a change in place of use and a change in character of use under Certificate 81391. The right allows the use of 0.1cfs from the Breitenbush River in Sec. 20, T9S, R7E, WM for recreation in Sec. 20. The applicant proposes to change the place of use within Sec. 20 and to change the character of use to domestic. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

## Transfer Applications: Temporary Transfer

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation. The Department shall approve the request provided it does not cause injury to existing water rights or enlarge the water use. If after the change is approved, it is found to cause injury, the approved change may be revoked. The use of water reverts to the authorized place of use upon expiration of the temporary change.

Notice is given that the following applications for Temporary Transfers have been received by the Department:

Transfer	<a href="#">T-12829</a>
Water Right	Cert: 24030
County/Basin	Benton / Willamette (2)
Applicant Name	GORACKE, TOM 26744 MCFARLAND RD MONROE, OR 97456
Proposed Change	PLACE OF USE
Sources/TRSQ40Q160	MUDDY CREEK > MARYS RIVER / 14.00S 5.00W 9 SWNW
Use/Quantity	IRRIGATION / 0.560 CFS
Priority Date	09/04/1952
Transfer	<a href="#">T-12834</a>
Water Right	Cert:87331
County/Basin	Crook / Deschutes (5)
Applicant Name	COYOTE ROCK RANCH LLC; ERIC HAGERTY 8800 NW 31 STREET TERREBONNE, OR 97760
Proposed Change	POINT OF DIVERSION,PLACE OF USE
Sources/TRSQ40Q160	CROOKED RIVER > DESCHUTES RIVER / 14.00S 14.00E 22 NENE
Use/Quantity	IRRIGATION / 3.890 CFS
Priority Date	07/23/1946
Transfer	<a href="#">T-12836</a>
Water Right	Cert:92992 CR
County/Basin	Morrow / Umatilla (7)
Applicant Name	FARMLAND RESERVE, INC. P.O. BOX 2308 PASCO, WA 99302
Proposed Change	PLACE OF USE
Sources/TRSQ40Q160	COLUMBIA RIVER > PACIFIC OCEAN / 4.00N 25.00E 2 NENW
Use/Quantity	IRRIGATION / 30.720 CFS
Priority Date	07/25/1973

## 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# [93562](#)  
App: R 71602  
County/Basin Harney / Malheur Lake (12)  
Applicant Name BAUER, JOHN AND CAROLYN  
Priority Date 05/16/1991  
Issue Date 02/02/2018

Cert# [93563](#)  
App: S 69727  
County/Basin Harney / Malheur Lake (12)  
Applicant Name BAUER, JOHN AND CAROLYN  
Priority Date 05/16/1991  
Issue Date 02/02/2018

Cert# [93566](#)  
App: G 17106  
County/Basin Washington / Willamette (2)  
Applicant Name HILLSBORO SCHOOL DISTRICT 1J  
Priority Date 09/17/2008  
Issue Date 02/02/2018

Cert# [93569](#)  
App: G 14672  
County/Basin Deschutes / Deschutes (5)  
Applicant Name KELLY, DAVE; CLINE FALLS AIRPORT ASSOCIATION  
CLINE FALLS AIRPORT ASSOCIATION  
ROMINES, STEVE; CLINE FALLS AIRPORT ASSOCIATION  
Priority Date 01/23/1998  
Issue Date 02/02/2018

Cert# [93573](#)  
App: S 86795  
County/Basin Lane / Willamette (2)  
Applicant Name MILZ, ROBERT D. AND DEBRA M.  
Priority Date 02/16/2007  
Issue Date 02/02/2018

Cert# [93572](#)  
App: S 87353  
County/Basin Lane / Willamette (2)  
Applicant Name MILZ, ROBERT D. AND DEBRA M.  
Priority Date 12/02/2008  
Issue Date 02/02/2018

Cert# [93571](#)  
App: G 8939  
County/Basin Harney / Malheur Lake (12)  
Applicant Name MOSER, WILLIAM  
Priority Date 09/05/1978  
Issue Date 02/02/2018

Cert# [93574](#)  
App: G 17289  
County/Basin Linn / Willamette (2)  
Applicant Name ROGERS, DAVID A.  
ROGERS, KATHRYN S.  
Priority Date 11/23/2009  
Issue Date 02/02/2018

Cert# [93567](#)  
App: G 17105  
County/Basin Malheur / Malheur (10)  
Applicant Name SCHNEIDER, GREG  
Priority Date 09/16/2008  
Issue Date 02/02/2018

Cert# [93570](#)  
App: S 69243  
County/Basin Josephine / Rogue (15)  
Applicant Name SKY, ANNE  
SKY  
Priority Date 08/19/1987  
Issue Date 02/02/2018

Cert# [93568](#)  
App: G 16961  
County/Basin Harney / Malheur Lake (12)  
Applicant Name TEUTSCH, FRED E.  
Priority Date 11/14/2007  
Issue Date 02/02/2018

Cert# [93564](#)  
App: G 15695  
County/Basin Marion / Willamette (2)  
Applicant Name TREE FROG NURSERY LLC  
NORTHWEST FARM CREDIT SERVICES FLCA  
Priority Date 02/01/2002  
Issue Date 02/02/2018

**Notice of Intent to Reauthorize: HE 238**

Name: Victor T. Birdseye II  
County: Jackson  
Basin: Rogue  
Stream: Buck Creek, tributary to the South Fork Rogue River  
Application Number: HE 238  
State Expiration Date: December 31, 2020  
Project Description: A minor hydroelectric project using 1.32 cubic feet per second from Buck Creek to generate 20.0 theoretical horsepower for onsite hydroelectric use. The project is located in Township 33 South, Range 3 East, Section 26 NE ¼ of the NE 1/4.

Please send comments to Craig Kohanek [Ron.c.kohanek@oregon.gov](mailto:Ron.c.kohanek@oregon.gov)

**Notice of Intent to Reauthorize: HE 250**

Name: Richard A. Taylor  
County: Jackson  
Basin: Klamath  
Stream: Spring Creek, tributary to Jenny Creek  
Application Number: HE 250  
State Expiration Date: December 31, 2020  
Project Description: A minor hydroelectric project using 1.56 cubic feet per second from Spring Creek to generate 44.3 theoretical horsepower for hydroelectric use for onsite use. The project is located in Township 41 South, Range 4 East, Section 3 SW ¼ of the NW 1/4.

Please send comments to Craig Kohanek [Ron.c.kohanek@oregon.gov](mailto:Ron.c.kohanek@oregon.gov)

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
February 6, 2018

Use this form to offer comments on water use requests or other items in this notice, or to order copies of proposed and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Alternatively, you may use our new Public Comment tool available on our website. Go to our website: <http://apps.wrd.state.or.us/apps/wr/wrinfo/>, and enter identifying information about the application. On the Water Rights Information Query Results page, use the "Submit a Public Comment" link, or under "View all Scanned Documents" use the "Submit a Public Comment" link.

**Water Use Request Type & File Number**

(e.g. "Permit Application G-12345" or "Transfer T-1234"):

Mail me the order  
(payment enclosed)\*

[ ]  
[ ]  
[ ]

**Your Name, Address, and Phone Number:**

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\* We are required by law to charge a fee of \$25 to mail a copy of proposed and final orders on a pending permit or permit extension applications to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$25 for each type of order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. Copies of proposed and final orders are also available for viewing (at no charge) at our Salem office, at the local watermaster office, or online.