

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
December 29, 2009

*This notice is also available on our web page at the following address:
http://www1.wrd.state.or.us/cgi-bin/notices.pl?water_rights*

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 Allocation Of Conserved Water**
Applications made by a water user who conserves water to use a portion of the conserved water on additional lands, lease or sell the water, or dedicate the water to instream use.
- * **Transfer Applications: Regular**
Requests to change point of diversion or appropriation, place of use, or character of use upon which the public may comment. The changes may be proposed in an application for a transfer (including instream or historic POD), an exchange, or a substitution.
- * **Transfer 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: Permit Amendments**
Requests to amend permits.
- * **District Permanent Transfers (ORS 540.580)**
Petitions requesting transfers in place of use within a district's boundaries.

* **Ground Water Registration Modifications**

Applications requesting Department recognition of changes in point of appropriation, place of use and character of use under a ground water certificate of registration.

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 "Jonnine.L.SKAUG@ wrd.state.or.us".

Permit Application Initial Reviews and Proposed Final Orders

The following pages of this notice list permit applications that the Oregon Water Resources Department is evaluating for compliance with state water laws and regulations. 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 by implementing a mitigation project or by obtaining mitigation credits made available by a completed mitigation project. Surface water and/or reservoir permit applications in the Deschutes Basin may be proposed ground water mitigation projects.

Initial Review Stage (IR in the "Stage" column of the permit listing)

The Department has given the applicant the results of an initial review of water use restrictions, water availability and other limits that affect the agency's decision on whether to issue a permit. The applicant has asked the agency to proceed to the next stage of evaluation. 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, January 28, 2010. Although we cannot respond individually to all comments, each will be considered as the agency makes its permit decision.

Proposed Final Order Stage (PFO in the "Stage" column of the permit listing)

The proposed final order is the Department's preliminary decision on the water use request. It will indicate how the comments received on the application in the first stage were considered. The PFO documents the agency's decision through specific findings. 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 \$20. (Any person paying \$20 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 district watermaster office nearest the proposed use. 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, February 12, 2010.

The protest filing fee is \$300 for the applicants and \$600 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$150 to retain the ability to participate in future proceedings relating to an application. Before participation is allowed, an additional \$300 will be required at the time of the proceeding.

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. In addition to the usual state or federal office closures, the Oregon Water Resources Department headquarters office will be closed on the following Fridays: October 16, 2009; November 27, 2009; March 19, 2010; April 16, 2010; June 18, 2010; August 20, 2010; September 17, 2010; November 26, 2010; March 18, 2011; and May 20, 2011.

How to Read the Listing

Applications on the next page are sorted by application number in the following format:

App#	Basin	Source	Township/Range	County	Priority	Quantity	Stage	Status
G-15693	DOE, JOHN PO BOX 123 02 A WELL > SPRING CR	EUGENE OR 97123	16.00S 03.00W 19 NESW	Lane	01/29/2002	0.3700 C	IR	3

Uses: IR

FIRST LINE:

- * Application number:
 - G: groundwater
 - R: reservoir
 - S: surface water
 - I: instream
- * Applicant name & address
- * Stage of review:
 - IR: Initial Review
 - PFO: Proposed Final Order
- * Decision status codes
 - 1: permit may be issued as requested
 - 2: permit may be issued with conditions
 - 3: permit unlikely to be issued

SECOND LINE:

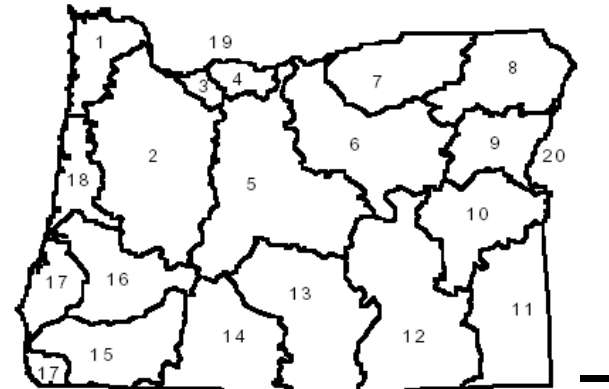
- * Basin number (see map below right)
 - * Source > what it flows into
(in the case of wells, this describes the basin in which the well is located)
 - * General legal description
 - * County & Priority date
 - * Amount
 - * Unit of measure:
 - C: cubic feet per second
 - G: gallons per minute
 - A: acre-feet
- THIRD LINE:**
- * Type of use (see abbreviations below)

BASINS:

- | | |
|-----------------|---------------------|
| 1. North Coast | 11. Owyhee |
| 2. Willamette | 12. Malheur L. |
| 3. Sandy | 13. Goose/Summer L. |
| 4. Hood | 14. Klamath |
| 5. Deschutes | 15. Rogue |
| 6. John Day | 16. Umpqua |
| 7. Umatilla | 17. S. Coast |
| 8. Grande Ronde | 18. Mid-Coast |
| 9. Powder | 19. Columbia |
| 10. Malheur | 20. Snake |

Commonly used "Type of Use" abbreviations (for definitions, consult Oregon Administrative Rules 690-300):

AG: Agriculture	GR: Groundwater recharge	MU: Municipal
CF,CH,CL, CR: Cranberry uses	GT: Geothermal	NU: Nursery use
CM: Commercial	IC: Irrigation, primary & supplemental	PA: Pollution abatement
CS: Campground	ID: Irrigation with domestic	PW: Power
DI, DN: Domestic including non-commercial lawn & garden	IL: Irrigation with livestock	QM: Quasi-municipal
DO: Domestic	IM: Industrial or manufacturing	RC: Recreation
DS: Domestic & stock	IR: Irrigation	RW: Road construction
FI: Fish	IS: Irrigation, supplemental	ST: Storage
FP: Fire protection	LV: Livestock	SW: Swimming
FW: Fish & wildlife	LW: Livestock & wildlife	TC: Temperature control
GD: Group domestic	MI: Mining	WI: Wildlife



Permit Application Final Orders

Following is a list of applications that have had final orders issued recently. If you would like a copy of any of the final orders, you may send a request with \$20.00 for each final order to the Water Rights Section, Oregon Water Resources Department, 725 Summer Street NE Ste A, Salem OR 97301. If you have any questions, please contact the Department's customer service staff by dialing 503-986-0801.

Application	Basin	County	Priority	Company	Name	FO Date
G-15930	2	MARI	02/21/2003	A AND R SPADA FARMS INC.		12/16/2009
G-17091	4	WASC	08/08/2008		WAYNE ROCKY WEBB	12/17/2009
R-87509	2	WASH	08/05/2009	LAKESHORE ESTATES HOA		12/17/2009
R-87510	2	WASH	08/05/2009	LAKESHORE ESTATES HOA		12/17/2009
G-16976	5	CROO	12/06/2007		DAVID CHRISTENSEN	12/21/2009
G-16808	5	DESC	03/14/2007	OUNTY OF DESCHUTES; PROPERTY & FACILITIES DEPT	SUSAN ROSS	12/22/2009
R-87376	2	CLAC	01/15/2009		DAVE OBRIST	12/22/2009

Applications for Allocation Of Conserved Water

The following applications for allocation of conserved water have been received pursuant to ORS 537.455 to 537.500 and OAR Chapter 690, Division 18. In reviewing the applications, the Department will consider whether the diversion for the uses allowed under the original water right will be reduced by the conservation project, whether existing water rights will be protected from injury, and whether the project is in compliance with local comprehensive land use plans.

CW-66

On December 22, 2009, the Deschutes River Conservancy (DRC), in conjunction with Three Sisters Irrigation District, filed an Application for Allocation of Conserved Water under ORS 537.470. The Department designated the application as CW-66. The Applicants propose to conserve water by replacing 3.8 miles of open, unlined canal with dual, 54 inch, high density polyethylene pipes.

The project is expected to yield approximately 6.0 cfs of conserved water from Whychus Creek under Water Right Certificate 74135 with a priority date of 1895. It is proposed that 100% of the conserved water will go instream from the POD (at approximately River Mile 23.5) to the confluence with the Deschutes River and then to River Mile 120 on the Deschutes River (near Lake Billy Chinook).

Any interested person may comment in writing, on CW-66. Comments must be received by January 18, 2010 or within 20 days of the last date of publication in the newspaper, whichever is later. Comments should be sent to Kody Thurgood, Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301-1266. Comments may be faxed to 503-986-0903. The Department will review all comments received when determining whether to approve the proposed allocation of conserved water.

A copy of the application and other information on the allocation and use of conserved water may be obtained from the Department by contacting Kody Thurgood at 503-986-0892 or Kody.J.Thurgood@wrd.state.or.us.

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 (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

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 January 28, 2010. 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.

County: GRANT
Transfer: 10984
Water Right: CERT 29970
Priority Date: MARCH 29, 1956
Name: BRIAN PRATER, LEWIS JR. D. NEAL,
MARY E. NEAL, PATRICE PRATER
Address: 41720 MANNY NEAL ROAD, KIMBERLY OR 97848
Change: POINT OF DIVERSION
Source: NORTH FORK JOHN DAY RIVER

County: DESCHUTES
Transfer: 10986
Water Right: CERT 81477,85970
Priority Date: 1904
Name: CRAIG APREGAN, PATRICIA A. APREGAN
Address: PO BOX 2184, SISTERS OR 97759
Change: POINT OF DIVERSION
Source: WHYCHUS CREEK

County: GRANT
Transfer: 10987
Water Right: CERT 25550
Priority Date: DECEMBER 31, 1867
Name: ERIKA WATSON
Address: 30339 NORTH RIVER ROAD, PRAIRIE CITY OR 97869
Change: ADDITIONAL POINT OF DIVERSION
Source: JOHN DAY RIVER

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 \$600 protest fee for non-applicant and \$300.00 protest fee for applicant. A Water Right Transfer Protest Form is available at <http://www.oregon.gov/OWRD/PUBS/forms.shtml> or by calling 503-986-0888. Protests must be received by the Department on or before January 28, 2010, 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-10904 filed by Campbell Crossing Inc, 1826 W Scenic Drive, The Dalles, Oregon 97058, proposes additional points of diversion and changes in place of use under Certificates 25168, 39829 and 76406. Certificate 25168 allows the use of one-fortieth cubic foot per second (cfs) through June 1 and one-eightieth cfs thereafter (priority date 1885) from Rudio Creek in Sec. 22, T 9 S, R 26 E, W.M., for irrigation and livestock in Sects. 15 and 22, T 9 S, R 26 E, W.M. The applicant proposes two additional points of diversion within Sects. 15 and 27, T 9 S, R 26 E, W.M. Certificate 39829 allows the use of one-fortieth cubic foot per second (cfs) through June 1 and one-eightieth cfs thereafter (priority date 1891) from Rudio Creek in Sec. 27, T 9 S, R 26 E, W.M., for irrigation, domestic, and livestock in Sects. 15 and 22, T 9 S, R 26 E, W.M. The applicant proposes an additional point of diversion approximately 9,600 feet north-northwest to Sec. 15, T 9 S, R 26 E, W.M. The applicant also proposes to change the place of use of 1.9 acres of the right within Sects. 15 and 22, T 9 S, R 26 E, W.M. Certificate 76406 allows the use of 4.88 cubic feet per second (cfs) (priority date September 4, 1979) from Rudio Creek and North Fork John Day River in Sects. 15 and 27, T 9 S, R 26 E, W.M. for irrigation and supplemental irrigation in Sects. 15, 16, 21, and 22, T 9 S, R 26 E, W.M. The applicant proposes a change in the place of use of 11.7 acres within Sec. 22, T 9 S, R 26 E, W.M.

The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-10743 filed by ROBERT AND PHYLLIS PRICHARD, 19376 N SANTIAM HWY, STAYTON OR 97383, proposes a change in point of diversion under Certificates 34376 and 42099. Certificate 34376 allows the use of 0.03 CUBIC FOOT PER SECOND (priority date APRIL 25, 1958) from the NORTH SANTIAM RIVER in Sec. 22, T 9 S, R 1 E, W.M. for IRRIGATION in Section 22, T 9 S, R 1 E, W.M. Certificate 42099 allows the use of 0.2 CUBIC FOOT PER SECOND (priority date FEBRUARY 7, 1968) from the NORTH SANTIAM RIVER in Sec. 22, T 9 S, R 1 E, W.M. for IRRIGATION in Section 22, T 9 S, R 1 E, W.M. The applicant proposes to move the point of diversion approximately 790 feet upstream in Sec. 22, T 9 S, R 1 E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with 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 expand 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:

County: LAKE
Transfer: 10983
Water Right: CERT 38097,81497
Priority Date: 1968,1982
Name: PERNOLL RANCH LLC, MARTIN L. PERNOLL
Address: PO BOX 35, SUMMER LAKE OR 97640
Change: PLACE OF USE
Source: A WELL

County: MARION
Transfer: 10985
Water Right: CERT 66814
Priority Date: FEBRUARY 9, 1977
Name: IRENE BUTSCH, ROBERT BUTSCH
Address: 8456 MAY RD NE, MOUNT ANGEL OR 97362
Change: PLACE OF USE, POINT OF APPROPRIATION
Source: WELLS

Transfer Applications: Permit Amendments

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU) 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.

County:	HARNEY
Transfer:	10994
Water Right:	PERMIT G 16180
Priority Date:	APRIL 10, 2006
Name:	GARY WILLSON
Address:	51520 HWY 78, PRINCETON OR 97721
Change:	PLACE OF USE, POINT OF APPROPRIATION
Source:	A WELL

District Permanent Transfers (ORS 540.580)

A district may request to permanently change the place of use within district boundaries. A district may provide notice to the Department of a change before it is made, and shall submit a district permanent application prior to the end of the calendar year in which the change occurs. The Department shall approve the transfer application provided it does not cause injury to existing water rights or expand the water use. The final order approving the permanent transfer is subject to protest.

This public notice also includes district notices of proposed changes. The Department will accept comments on injury and enlargement of changes in place of use associated with the notice and use those comments in the review of the proposed change.

The Department seeks public comment on recently filed district transfer applications listed below. The deadline for comments or protests to the transfer application must be received by the Department on or before January 28, 2010. The Department will hold a contested case hearing if: 1) a protest and \$600 protest fee for non-applicant and \$300.00 protest fee for applicant are received within the time allowed; or 2) the Department finds a hearing is needed to determine whether the proposed changes would result in injury to existing rights. (If a water user believes that a proposed change could injure a water delivery within a district's boundaries, the matter will be resolved directly between the district and the water user.)

County: MALHEUR
Transfer: 10989
Water Right: CERT 81012
Priority Date: 1916,1924
Name: RIDGEVIEW IRRIGATION DISTRICT
Address: PO BOX 67, HOMEDALE ID 83628
Change: PLACE OF USE
Source: A RESERVOIR/OWYHEE RIVER

County: DESCHUTES
Transfer: 10992
Water Right: CERT 76714, 83571
Priority Date: 1900,1913
Name: CENTRAL OREGON IRRIGATION DISTRICT
Address: 1055 SW LAKE COURT, REDMOND OR 97756
Change: PLACE OF USE
Source: CRANE PRAIRIE RESERVOIR/DESCHUTES RIVER

County: JACKSON
Transfer: 10993
Water Right: CERT 85288,85876,85877,80575,80576,80577,83729
Priority Date: 1909,1910,1913,1915,1916
Name: ROGUE RIVER VALLEY IRRIGATION DISTRICT
Address: 3139 MERRIMAN RD, MEDFORD OR 97501
Change: PLACE OF USE
Source: N & S FORK LITTLE BUTTE CREEK, ET AL.

Transfer Applications: Ground Water Registration Modification

The holder of a ground water certificate of registration may request that the Department recognize a change in point of appropriation, place of use or character of use under the ground water registration. Modifications of ground water registrations are authorized under ORS 537.610(4) and OAR Chapter 382.

The Department seeks public comment on the recently-filed applications for recognition of modifications in ground water registrations listed below. Any person may comment on an application for a ground water registration modification. Comments must be received by the Department on or before January 28, 2010. 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 recognized 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.

County: CLACKAMAS
Transfer: 10988
Water Right: CERT GR 1490
Priority Date: APRIL 30, 1939
Name: J FRANK SCHMIDT & SON CO., KEITH WARREN
Address: PO BOX 189, BORING OR 97009
Change: PLACE OF USE
Source: A WELL

County: WASHINGTON
Transfer: 10990
Water Right: CERT GR 343
Priority Date: 1932,1945
Name: CITY OF BEAVERTON
Address: PO BOX 4755, BEAVERTON OR 97076
Change: PLACE OF USE, ADDITIONAL POINT OF APPROPRIATION
Source: WELLS

County: WASHINGTON
Transfer: 10991
Water Right: CERT GR 2954
Priority Date: APRIL 30, 1950
Name: ORVILLE BIERLY
Address: 18865 SW SCHOLLS FERRY RD, BEAVERTON OR 97007
Change: PLACE OF USE
Source: A WELL

**OREGON
WATER
RESOURCES
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**725 Summer Street NE Ste A
Salem OR 97301**

PUBLIC NOTICE OF WATER USE REQUESTS
December 29, 2009

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final 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.

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 \$20 to mail a copy of a proposed and final order on a pending water right application or permit extension to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$20 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 propose final order and final order are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)