

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
August 30, 2022

*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.
- * **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.
- * **Certificate Issuance**
Included in this section is a listing of recently issued water right certificates.
- * **HE 247 Draft Proposed Final Order Draft Cert.**

The Public Notice is published each week on the Department's web site at www.oregon.gov/OWRD. If you would like to receive a **free** weekly notification when it is published, please send your request to Julie.C.Baustian@water.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

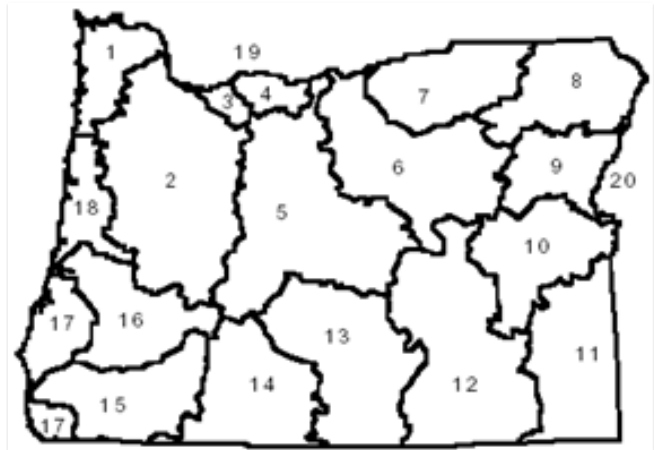
Unit of measure:

- 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, September 29, 2022. 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 \$35. (Any person paying \$35 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed free of charge online at: <http://apps.wrd.state.or.us/apps/wr/wrinfo/>. Those disagreeing with the Department's decision as expressed in the PFO have 45 days to file a protest.

The protest deadline for proposed final orders appearing in this public notice is 5pm, Friday, October 14, 2022.

The protest filing fee is \$480 for the applicants and \$950 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 \$270 to retain the ability to participate in future proceedings relating to an application. Before participation in a hearing is allowed, an additional \$680 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#	R-89201
County/Basin	Polk / Willamette (2)
Applicant Name	7TH GENERATION MANAGEMENT PO BOX 878 LAKE OSWEGO, OR 97034
	FREED, KIRSTEN 13505 IRA HOOKER RD MONMOUTH, OR 97361
Sources/TRSQ40Q160	RUNOFF > UNNAMED STREAM / 10.00S 6.00W 3 NENW RUNOFF > UNNAMED STREAM / 10.00S 6.00W 3 NWNW STORAGE / 7.000 AF
Use/Quantity	
Priority Date	01/05/2022
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 \$35 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-18737](#)
County/Basin Clackamas / Willamette (2)
Applicant Name FAWVER, BUD & JOANN
7340 S FAWVER RD
CANBY, OR 97013
Priority Date 09/14/2018
Issue Date 08/26/2022
Status RESCINDED

App# [G-19307](#)
County/Basin Lake / Goose & Summer Lake (13)
Applicant Name BELL A LAND AND CATTLE CO.
CLIFF, THERESA
PO BOX 97
LA PINE, OR 97339
Priority Date 06/23/2022
Issue Date 08/29/2022
Status DENIED

App# [LL-1938](#)
County/Basin Klamath / Klamath (14)
Applicant Name MORELLO CONSTRUCTION LLC
2637 OLD MIDLAND ROAD
KLAMATH FALLS, OR 97603
Issue Date 08/24/2022
Status APPROVED

App# [R-89123](#)
County/Basin Marion / Willamette (2)
Applicant Name DIETRICH, MARK & NICOLE
3370 ALT LANE NE
SILVERTON, OR 97381
Priority Date 05/27/2021
Issue Date 08/30/2022
Status APPROVED

App# [R-89163](#)
County/Basin Tillamook / North Coast (1)
Applicant Name WOODS, STEPHEN
24850 SW MELOTT RD
HILLSBORO, OR 97123
Priority Date 09/13/2021
Issue Date 08/19/2022
Status APPROVED

App# [R-89177](#)
County/Basin Clackamas / Willamette (2)
Applicant Name MARTIN, DONNA
SEUBERT, ED
PO BOX 295
SCOTT MILLS, OR 97375
Priority Date 10/14/2021
Issue Date 08/19/2022
Status APPROVED

App# [S-88887](#)
County/Basin Wallowa / Grande Ronde (8)
Applicant Name MONTOYA, MICHAEL A.
SEIM-MONTOYA, SHERYL
62329 WALLOWA LAKE HWY
JOSEPH, OR 97846
MONTOYA, MICHAEL A.
PO BOX 1004
JOSEPH, OR 97846
Priority Date 10/19/2020
Issue Date 08/19/2022
Status APPROVED

App# [S-88897](#)
County/Basin Baker / Powder (9)
Applicant Name CARUCCI FAMILY IRREVOCABLE TRUST
265 CLINTON ST
WHITESBORO, NY 13492
Priority Date 11/23/2020
Issue Date 08/19/2022
Status APPROVED

App# [S-89095](#)
County/Basin Polk / Willamette (2)
Applicant Name L FRANK SETNIKER FAMILY TRUST
SETNIKER, SCOTT
PO BOX 338
INDEPENDENCE, OR 97351
Priority Date 04/12/2021
Issue Date 08/19/2022
Status APPROVED

App# [S-89219](#)
County/Basin Lane / Willamette (2)
Applicant Name RODAKOWSKI FARMS INC.
ATTN: GARRY RODAKOWSKI
45343 GOODPASTURE RD
VIDA, OR 97488
Priority Date 03/02/2022
Issue Date 08/19/2022
Status APPROVED

App# [S-89238](#)
County/Basin Polk / Willamette (2)
Applicant Name LINDSTROM, KATHRYN
THE CAPRA CO. LLC
PO BOX 2340
WINDSOR, CA 95492
Priority Date 05/19/2022
Issue Date 08/19/2022
Status APPROVED

App# [S-89242](#)
County/Basin Jackson / Rogue (15)
Applicant Name HUGIE, DAVID
5180 ROGUE RIVER DR
EAGLE POINT, OR 97524
Priority Date 06/08/2022
Issue Date 08/19/2022
Status APPROVED

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 September 29, 2022. 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-14076
Water Right	Cert: 89760
County/Basin	Coos / South Coast (17)
Applicant Name	CANNON, GARY 47338 FLORAS LAKE LOOP LANGLOIS, OR 97450
Proposed Change	ADDITIONAL POINT OF APPROPRIATION
Sources/TRSQ40Q160	A WELL > CONNER CREEK / 30.00S 15.00W 12 SENW
Use/Quantity	CRANBERRY / 0.057 CFS
Priority Date	07/28/1998
Transfer	T-14077
Water Right	Cert: 95328 (T-13279)
County/Basin	Deschutes / Deschutes (5)
Applicant Name	SHEPARD, RANDALL PO BOX 1087 SISTERS, OR 97759
Proposed Change	POINT OF APPROPRIATION, PLACE OF USE
Sources/TRSQ40Q160	A WELL > DESCHUTES RIVER BASIN / 16.00S 11.00E 7 SENE
Use/Quantity	IRRIGATION / 0.052 CFS
Priority Date	08/11/1993

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 \$950 protest fee for non-applicant and \$480.00 protest fee for applicant. Call (503) 986-0815 to obtain additional information. Protests must be received by the Department on or before September 29, 2022, 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-13472](#) filed by Farewell Bend State Park, 23751 Old Hwy 30, Huntington, OR 97907, proposes a change in points of diversion under Certificates 82743 and 91865. Certificate 82743 allows the use of 0.30 cubic foot per second (cfs) from Snake River in Sec. 33, T14S, R45E, WM for irrigation in Sects. 32 and 33, T14S, R45E, WM. Certificate 91865 allows the use of 0.92 cfs from Snake River in Sec. 33, T14S, R45E, WM for irrigation in Sects. 32 and 33, T14S, R45E, WM. The applicant proposes to move the points of diversion within Sec. 33, T14S, R45E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

[T-13870](#) filed by John and Denise Owen, PO Box E, Pilot Rock, OR 97868, proposes an additional point of appropriation under Certificate 42342. The right allows the use of 0.04 cubic feet per second the Johnston Well in Sec.21, T1S, R32E, WM. for irrigation in Sec. 21. The applicant proposes an additional point of appropriation in Sec.21, T1S, R32E, 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.

Cert# [96406](#)
App: S-86001
County/Basin Douglas / Umpqua (16)
Applicant Name BROUGHTON, ALBERT
Priority Date 05/10/2004
Issue Date 08/26/2022

Cert# [96396](#)
App: S-88113
County/Basin Jackson / Rogue (15)
Applicant Name FAYE A DUNCAN TRUST ET AL
Priority Date 07/28/2015
Issue Date 08/26/2022

Cert# [95161](#)
App: S-88437
County/Basin Douglas / Umpqua (16)
Applicant Name MANTON, DONELLE A.
Priority Date 08/04/2017
Issue Date 08/26/2022

Cert# [95251](#)
App: S-84730
County/Basin Jackson / Rogue (15)
Applicant Name PEAK FAMILY TRUST
Priority Date 04/23/2001
Issue Date 08/26/2022

Cert# [96395](#)
App: G-17102
County/Basin Malheur / Malheur (10)
Applicant Name RAY, CHRISTOPHER JAMES
AXA EQUITABLE LIFE INSURANCE CO.
RAY, ANNE
Priority Date 09/15/2008
Issue Date 08/26/2022

Notice of Draft Proposed Final Orders to Reauthorize Minor Hydroelectric Project

The Department seeks public comments, on the following Draft Proposed Final Orders to reauthorize minor hydroelectric projects. Comments must be submitted within 60 days of publication of this notice.

The applications and Draft Proposed Final Orders can be viewed at the Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you would like a copy of the documents, please contact Craig Kohanek at 503-986-0823. A copying fee will be assessed as allowed in ORS Chapter 536.050(1)(e). **Comment's must be received by the Oregon Water Resources Department by 5:00 pm, October 28, 2020.**

Application:	HE 247
Applicant:	Breitenbush Hot Springs Resort
Amount of water:	35.0 cubic feet per second (cfs)
Source of water:	Breitenbush, tributary to North Santiam River
Points of Diversion:	NE¼ NE 1/4, Section 21, Township 3 South, Range 5 West, W.M.
Place of Use:	SW 1/4 NE ¼, SECTION 20, Township 9 South, Range 7 EAST, W.M.
Purpose:	On-site use.
Power developed:	Up to 67.6 Theoretical horsepower

The Oregon Water Resource Department (OWRD) requests that parties interested in providing comments on the application or receiving future notices about the application and participating in the reauthorization process, contact Craig Kohanek at 503-979-3185 or Ron.c.kohanek@water.oregon.gov Copies of this application are available upon request.

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

August 30, 2022

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 \$35 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 \$35 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.