

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS  
September 6, 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](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.
- \* **Expedited Secondary Applications to Use Stored Water**  
Applications to use stored water exclusively, filed under a simplified review process.
- \* **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.
- \* **Water Management and Conservation Plans**  
Water management and conservation plans submitted by municipalities and agricultural water suppliers under provisions of OAR Chapter 690, Division 86.
- \* **Certificate Issuance**  
Included in this section is a listing of recently issued water right certificates.

The Public Notice is published each week on the Department's web site at [www.oregon.gov/OWRD](http://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](mailto: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**

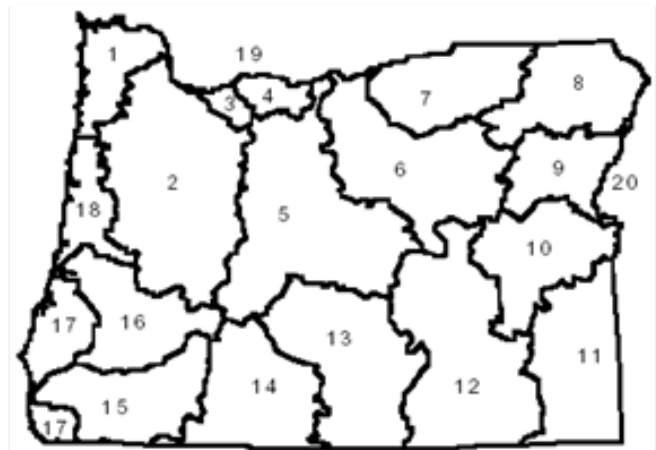
Unit of measure:

- 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, October 06, 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 21, 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#	<a href="#">S-89124</a>
County/Basin	Marion / Willamette (2)
Applicant Name	DIETRICH, MARK AND NICOLE J. 3370 ALT LANE NE SILVERTON, OR 97381
Sources/TRSQ40Q160	PUDDING RIVER > MOLALLA RIVER / 7.00S 1.00W 8 SWSW A RESERVOIR > PUDDING RIVER / 7.00S 1.00W 8 SWSW
Use/Quantity	IRRIGATION / 0.180 CFS IRRIGATION / 5.000 AF
Priority Date	05/27/2021
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 \$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#	<a href="#">G-18737</a>
County/Basin	Clackamas / Willamette (2)
Applicant Name	FAWVER, BUD AND JOANN 7340 S FAWVER RD CANBY, OR 97013
Priority Date	09/14/2018
Issue Date	08/26/2022
Status	RESCINDED
App#	<a href="#">G-19088</a>
County/Basin	Yamhill / Willamette (2)
Applicant Name	RHEA, RYAN 10280 NE ABBEY RD CARLTON, OR 97111
Priority Date	04/07/2021
Issue Date	09/02/2022
Status	WITHDRAWN
App#	<a href="#">G-19193</a>
County/Basin	Linn / Willamette (2)
Applicant Name	MILLER, DENNIS 35208 SPICER DR LEBANON, OR 97355
Priority Date	08/10/2021
Issue Date	09/02/2022
Status	APPROVED
App#	<a href="#">G-19195</a>
County/Basin	Deschutes / Deschutes (5)
Applicant Name	CAPELL, ZACHARY D. AND HEATHER R. 21911 BUTLER MARKET RD BEND, OR 97701
Priority Date	08/23/2021
Issue Date	09/06/2022
Status	WITHDRAWN
App#	<a href="#">G-19307</a>
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# [R-89116](#)  
County/Basin Clackamas / Willamette (2)  
Applicant Name ADCOCK FAMILY TREE FARM  
14200 S UNION MILLS RD  
MULINO, OR 97042  
  
ADCOCK FAMILY TREE FARM  
PO BOX 857  
MULINO, OR 97042  
Priority Date 06/04/2021  
Issue Date 09/02/2022  
Status APPROVED

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

App# [S-88874](#)  
County/Basin Clackamas / Willamette (2)  
Applicant Name BUCHHOLZ, THOMAS M.  
PO BOX 710  
MOUNT ANGEL, OR 97362  
Priority Date 09/01/2020  
Issue Date 09/02/2022  
Status APPROVED

App# [S-89227](#)  
County/Basin Douglas / Umpqua (16)  
Applicant Name MORGAN, DAVID AND LISA  
4027 MELQUA RD  
ROSEBURG, OR 97471  
Priority Date 03/22/2022  
Issue Date 09/02/2022  
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 November 05, 2022.**

App# [R-89263](#)  
County/Basin Douglas / Umpqua (16)  
Applicant Name BYRD FAMILY TRUST  
PO BOX 340  
SUTHERLIN, OR 97479  
Sources/TRSQ40Q160 RUNOFF > LONG VALLEY CREEK / 25.00S 4.00W 9 NENE  
Use/Quantity MULTIPLE PURPOSE / 5.000 AF  
Priority Date 08/29/2022

App# [R-89262](#)  
County/Basin Douglas / Umpqua (16)  
Applicant Name BYRD FAMILY TRUST  
PO BOX 340  
SUTHERLIN, OR 97479  
Sources/TRSQ40Q160 RUNOFF > LONG VALLEY CREEK / 25.00S 4.00W 4 SESE  
Use/Quantity MULTIPLE PURPOSE / 7.000 AF  
Priority Date 08/29/2022

## 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 **October 06, 2022**. 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 rediversion point(s).

App# [S-89264](#)  
County/Basin Umatilla / Willamette (2)  
Applicant Name BAILEY NURSERIES INC.  
ATTN: JON ESTES  
PO BOX 398  
DAYTON, OR 97114  
Sources/TRSQ40Q160 A RESERVOIR > NORTH YAMHILL RIVER / 2.00S 4.00W 32 SWSW  
Use/Quantity NURSERY USES / 145.000 AF  
Priority Date 09/01/2022

App# [S-89261](#)  
County/Basin Jackson / Rogue (15)  
Applicant Name BARKER, JANET  
1974 UPPER APPLGATE RD  
JACKSONVILLE, OR 97530  
Sources/TRSQ40Q160 APPLGATE RESERVOIR > APPLGATE RIVER / 40.00S 4.00W 25 SESE  
APPLGATE RIVER > ROGUE RIVER / 39.00S 3.00W 4 NENE  
Use/Quantity IRRIGATION / 27.900 AF  
Priority Date 08/26/2022



## **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 October 06, 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-13406](#) filed by Russell Young, PO Box 171, Canyon City, OR 97820, proposes changes in points of diversion under Certificates 80557, 94172, and 94174, and changes in places of use under Certificates 44294, 65094, 80557, 94172, and 94173. Certificate 44294 allows the use of 1.428 cubic feet per second (cfs) from Mark Reeves Creek in Sec. 12, T13S, R27E, WM for irrigation in Sec. 12, T13S, R27E, WM. The applicant proposes to change the place of use within Sec. 12, T13S, R27E, WM. Certificate 65094 allows the use of 0.38 cfs from Marks Creek in Sec. 12, T13S, R27E, WM for irrigation in Sec. 12, T13S, R27E, WM. The applicant proposes to change the place of use within Sec. 12, T13S, R27E, WM. Certificate 80557 allows the use of 2.78 cfs from John Day River in Sects. 12 and 18, T13S, R27E, WM for irrigation and supplemental irrigation in Sec. 12, T13S, R27E, WM. The applicant proposes to move the points of diversion to Sec. 12, T13S, R27E, WM and to change the place of use within Sec. 12, T13S, R27E, WM. Certificate 94172 allows the use of 1.31 cfs from John Day River in Sec. 12, T13S, R27E, WM for irrigation in Sec. 12, T13S, R27E, WM. The applicant proposes to move the point of diversion within Sec. 12, T13S, R27E, WM and to change the place of use within Sec. 12, T13S, R27E, WM. Certificate 94173 allows the use of 0.08 cfs from John Day River in Sec. 12, T13S, R27E, WM for irrigation in Sec. 12, T13S, R27E, WM. The applicant proposes to change the place of use within Sec. 12, T13S, R27E, WM. Certificate 94174 allows the use of 1.36 cfs from John Day River in Sects. 12 and 18, T13S, R27E, WM for irrigation in Sec. 11, T13S, R27E, WM. The applicant proposes to move the point of diversion within Sec. 12, T13S, R27E, WM and to change the place of use within Sec. 11, T13S, R27E, WM. The Water Resources Department proposes to deny the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000, due to injury of an instream water right. The Department is seeking a recommendation from ODFW and from DEQ under OAR 690-380-5050. T-13406 will be denied unless ODFW and DEQ recommend the Department consent to injury of the instream right because T-13406 would result in a net benefit to the resource, and no protests are filed.

[T-13656](#) filed by Tim Melville, 84887 Joseph Hwy, Enterprise, OR 97828, proposes changes in places of use changes under Certificates 95525, 7086 and 34493. Certificate 95525 allows the use of 0.04 cubic foot per second (cfs) from Hurricane Creek in Sec. 3, T3S, R44E, WM for irrigation in Sects. 5 and 6, T2S, R44E, WM. The applicant proposes to change the place of use to Sec. 5, T2S, R44E, WM. Certificate 7086 allows the use of 0.036 cfs from Hurricane Creek in Sec. 34, T2S, R44E, WM for irrigation in Sec. 22, T2S, R44E, WM. The applicant proposes to change the place of use to Sec. 5, T2S, R44E, WM. Certificate 34493 allows the use of 0.09 cfs from Hurricane Creek in Sec. 3, T3S, R44E, WM for irrigation in Sec. 6, T2S, R44E, WM. The applicant proposes to change the place of use to Sec. 5, T2S, R44E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

[T-14015](#) filed by Fiona Enterprises LLC, 11501 NW McBride Cemetery Rd. Carlton, OR 97111, proposes a change in place of use change under Certificate 88973. The right allows the use of 0.13 cubic foot per second from an unnamed stream and Oberg reservoir in Sec.19, T3S, R4W, WM for nursery operations in Sects. 17, 18, 19, and 20, T3S, R4W, WM. The applicant proposes to change the place of use to Sects. 18, 19, and 20, T3S, R4W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

## **Water Management and Conservation Plans**

The Department is required to give notice and to invite public review and comment on Water Management and Conservation Plans submitted pursuant to OAR Chapter 690, Division 086. The Department will consider all public comments in its review of the draft plan and will report the results of the review to the water supplier 90 days from the time the plan was submitted.

### **Any person may review and comment on a draft plan on or before October 06, 2022.**

The plans may be viewed electronically at [WMCP Public Notice](#). Comments must cite specific provisions of concern in the draft plan, describe how each of the provisions cited do or do not satisfy the requirements of OAR Chapter 690, Division 086, suggest any modification in each provision that would be necessary to satisfy the relevant requirement, and include information to support any suggested modifications.

Plans have been submitted by the following agricultural and municipal water suppliers:

#### **Port of Morrow (Municipal)**

To review any of the above plan(s) or to provide comments on the plan(s), contact Tamera Smith at 458-253-0597 or [Tamera.L.Smith@water.oregon.gov](mailto:Tamera.L.Smith@water.oregon.gov).

## 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# [96400](#)  
Xfer: T-12331  
County/Basin Washington / Willamette (2)  
Applicant Name MEISNER, ALFRED; CASCADIAN NURSERIES  
CASCADIAN NURSERIES  
Priority Date 05/17/2002  
Issue Date 08/26/2022

Cert# [96401](#)  
Xfer: T-12331  
County/Basin Washington / Willamette (2)  
Applicant Name MEISNER, ALFRED; CASCADIAN NURSERIES  
CASCADIAN NURSERIES  
Priority Date 08/25/1988  
Issue Date 09/02/2022

Cert# [96402](#)  
Xfer: T-12331  
County/Basin Washington / Willamette (2)  
Applicant Name MEISNER, ALFRED; CASCADIAN NURSERIES  
CASCADIAN NURSERIES  
Priority Date 01/16/2001  
Issue Date 09/02/2022

Cert# [96403](#)  
Xfer: T-12331  
County/Basin Washington / Willamette (2)  
Applicant Name MEISNER, ALFRED; CASCADIAN NURSERIES  
CASCADIAN NURSERIES  
Priority Date 10/21/1997  
Issue Date 09/02/2022

Cert# [96404](#)  
Xfer: T-12331  
County/Basin Washington / Willamette (2)  
Applicant Name MEISNER, ALFRED; CASCADIAN NURSERIES  
CASCADIAN NURSERIES  
Priority Date 12/07/2001  
Issue Date 09/02/2022

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

## PUBLIC NOTICE OF WATER USE REQUESTS

September 6, 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:

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\* 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.