

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
November 8, 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.
- * **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 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 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.
- * **Certificate Issuance**
Included in this section is a listing of recently issued water right certificates.
- * **HE 260 Proposed Final Order and Draft Certificate**

- * **HE 247 Proposed Final Order and Draft Certificate**
- * **HE 238 Proposed Final Order and Draft Certificate**
- * **Renewal of Aquifer Storage and Recovery (ASR) Limited Licenses**

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

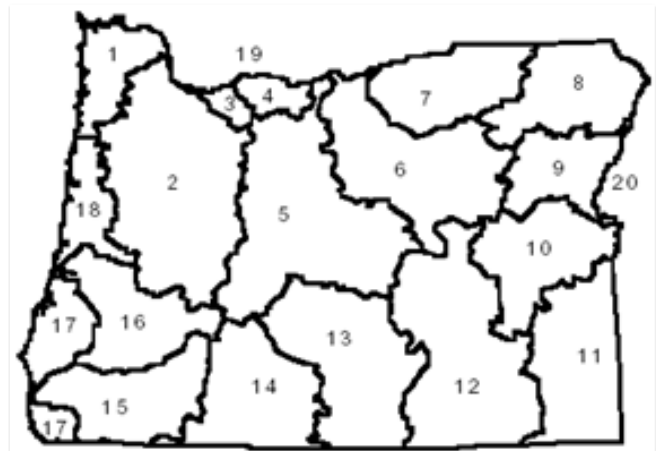
Unit of measure:

- 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, December 08, 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, December 23, 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# [G-19212](#)
County/Basin Baker / Powder (9)
Applicant Name ROWLAND, KYLE
12832 BULGUR FLAT LANE
HAINES, OR 97833
Sources/TRSQ40Q160 A WELL > NORTH POWDER RIVER / 7.00S 38.00E 17 SESE
Use/Quantity IRRIGATION / 0.504 CFS
Priority Date 10/18/2021
Stage/Status IR / PROPOSE TO APPROVE

App# [S-89269](#)
County/Basin Coos / South Coast (17)
Applicant Name MCDANIEL, SUZIE & WILLIAM
740 S 12TH ST
COOS BAY, OR 97420
Sources/TRSQ40Q160 NORTH TENMILE LAKE > TENMILE CREEK / 23.00S 12.00W 9 NENW
Use/Quantity DOMESTIC / 0.005 CFS
Priority Date 09/12/2022
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#	G-18463
County/Basin	Jackson / Rogue (15)
Applicant Name	SILKENSEN, LISA A. 13794 PERRY RD CENTRAL POINT, OR 97502
Priority Date	02/23/2017
Issue Date	10/28/2022
Status	APPROVED
App#	G-19217
County/Basin	Linn / Willamette (2)
Applicant Name	HUMPHREY, LESTER & LORINDA 34165 FRY RD SE ALBANY, OR 97321
Priority Date	11/08/2021
Issue Date	10/28/2022
Status	APPROVED
App#	LL-1922
County/Basin	Umatilla / Umatilla (7)
Applicant Name	KNIFE RIVER CORPORATION 5450 W GOWEN ROAD BOISE, ID 83709
Issue Date	11/02/2022
Status	WITHDRAWN
App#	LL-1930
County/Basin	Jackson / Rogue (15)
Applicant Name	MALEPSY, MICHAEL 36 MEADOW LANE SHADY COVE, OR 97539
Issue Date	11/07/2022
Status	DENIED
App#	R-88811
County/Basin	Jackson / Rogue (15)
Applicant Name	ROLEN, TYLER 4635 THOMPSON CREEK RD JACKSONVILLE, OR 97530
Priority Date	02/24/2020
Issue Date	10/28/2022
Status	APPROVED

App#	S-88749
County/Basin	Coos / South Coast (17)
Applicant Name	COURTRIGHT, MERRITT D. 110 N. FOLSOM RD COQUILLE, OR 97423
Priority Date	10/31/2019
Issue Date	11/04/2022
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 January 07, 2023.

App#	R-89290
County/Basin	Linn / Willamette (2)
Applicant Name	CATE, JERED 33599 SANTIAM HW SE ALBANY, OR 97322
Sources/TRSQ40Q160	SOUTH SANTIAM RIVER > SANTIAM RIVER / 11.00S 2.00W 16 NENW
Use/Quantity	MULTIPLE PURPOSE / 0.550 AF
Priority Date	10/31/2022

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 **December 08, 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 diversion point(s).

App#	S-89289
County/Basin	Yamhill / Willamette (2)
Applicant Name	ADELSHEIM VINEYARD 16800 NE CALKINS LANE NEWBERG, OR 97132
Sources/TRSQ40Q160	A RESERVOIR > CHEHALEM CREEK / 3.00S 3.00W 3 SWNW
Use/Quantity	IRRIGATION / 1.200 AF
Priority Date	10/31/2022

Proposed Final Orders Regarding Applications for Extensions of Time for Water Right Permits

ORS 537.230, 537.248, 537.630 and 539.010 authorize the Water Resources Department to extend time limits contained in water right permits for completing construction of water development projects and applying water to full beneficial use. Procedures for permit holders to apply for extensions and for the Department to evaluate and determine whether or not to approve extensions of time are contained in OAR 690-320-0010 for extensions filed before July 1, 2001, and in OAR 690-315-0010 for extensions filed on or after July 1, 2001.

Proposed Final Orders (PFO's) are the Department's preliminary decision on extension requests. They document the agency's decision through specific findings. Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$35. (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 December 23, 2022. There is no fee for submission of comments. The protest filing fee is \$480 for the applicant and \$950 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO.

App#	G-17213
Permit#	G-17588
County/Basin	Baker / Powder (9)
Applicant Name	SIDDOWAY, BERT & TERRY PO BOX 115 DURKEE, OR 97905
Sources/TRSQ40Q160 Use/Quantity	A WELL > PRITCHARD CREEK BASIN / 11.00S 43.00E 19 NENE SUPPLEMENTAL IRRIGATION / 1.670 CFS

Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation; Additional point of diversion or appropriation; Historic POD; Place of use; Character of use; Instream; Substitution; or Exchange.

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before December 08, 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-14111](#)
Water Right Cert: 26677
County/Basin Douglas / Umpqua (16)
Applicant Name LEPLEY, HENRY
11221 NORTH MYRTLE ROAD
MYRTLE CREEK, OR 97457
Proposed Change ADDITIONAL POINT OF DIVERSION
Sources/TRSQ40Q160 NORTH MYRTLE CREEK > MYRTLE CREEK / 28.00S 4.00W 27 NWSE
SPRINGS > NORTH MYRTLE CREEK / 28.00S 4.00W 27 NWSE
Use/Quantity IRRIGATION / 0.130 CFS
DOMESTIC / 0.100 CFS
Priority Date 03/22/1921

Transfer [T-14114](#)
Water Right Cert: 37601
County/Basin Linn / Willamette (2)
Applicant Name SAYER LAND COMPANY LLC
37177 HIGHWAY 228
BROWNSVILLE, OR 97327
Proposed Change POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160 CALAPOOIA RIVER > WILLAMETTE RIVER / 14.00S 2.00W 12 SWSW
Use/Quantity IRRIGATION / 1.930 CFS
Priority Date 01/27/1965

Transfer [T-14115](#)
Water Right Cert: 45205
County/Basin Polk / Willamette (2)
Applicant Name ORCHARD HEIGHTS WATER ASSOCIATION
4350 ORCHARD HEIGHTS NW
SALEM, OR 97304
Proposed Change ADDITIONAL POINT OF APPROPRIATION
Sources/TRSQ40Q160 WELL 1 > WINSLOW GULCH / 7.00S 3.00W 18 SWNW
WELL 2 > WINSLOW GULCH / 7.00S 3.00W 18 SWNW
Use/Quantity QUASI-MUNICIPAL USES / 0.075 CFS
QUASI-MUNICIPAL USES / 0.075 CFS
Priority Date 06/17/1970

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	T-14112
Water Right	Cert: 33643
County/Basin	Clackamas, Marion / Willamette (2)
Applicant Name	IVERSON, MIKE AURORA FARMS LLC 13490 CEDARWOOD RD NE AURORA, OR 97002
Proposed Change	POINT OF APPROPRIATION, PLACE OF USE
Sources/TRSQ40Q160	A WELL > PUDDING RIVER / 4.00S 1.00W 1 NWSW
Use/Quantity	IRRIGATION / 0.540 CFS
Priority Date	06/01/1964

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#	<u>96727</u>
Xfer:	T-13190
County/Basin	Marion / Willamette (2)
Applicant Name	FESSLER FAMILY LLC
Priority Date	02/24/1958
Issue Date	11/04/2022

**Notice of 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 45 days of publication of this notice.

The applications and Draft Proposed Final Orders may 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 503-979-3185. A copying fee will be assessed as allowed in ORS Chapter 536.050(1)(e). **Comments must be received by the Oregon Water Resources Department by 5:00 pm, December 23, 2022.**

Application:	HE 260
Applicant:	Loyd Fery
Amount of water:	70 cubic feet per second (cfs)
Source of water:	North Santiam River, tributary to Santiam River
Points of Diversion:	SW ¼ SE 1/4 , Section 17, Township 9 South, Range 1 West, W.M.
Place of Use:	SW¼ NE 1/4 of Section 17, Township 9 South, Range 1 West, W.M.
Purpose:	Hydroelectric for onsite use and for sale to Utility
Power developed:	67.7 Theoretical horsepower

Comments and requests to obtain future notices are due by December 23, 2022

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.

**Notice of Proposed Final Orders to
Reauthorize Minor Hydroelectric Project**

The Department seeks public comments, on the following Proposed Final Orders to reauthorize minor hydroelectric projects. Comments must be submitted within 45 days of publication of this notice.

The applications and 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, December 23, 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.

**Notice of Proposed Final Orders to
Reauthorize Minor Hydroelectric Project**

The Department seeks public comments, on the following Proposed Final Orders to reauthorize minor hydroelectric projects. Comments must be submitted within 45 days of publication of this notice.

The applications and 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 document's, please contact Craig Kohanek at 503-986-0823. A copying fee will be assessed as allowed in ORS Chapter 536.050(1)(e). **Comments must be received by the Oregon Water Resources Department by 5:00 pm, December 23, 2022.**

Application:	HE 238
Applicant:	Victor "Ted" Birdseye
Amount of water:	3 cubic feet per second (cfs)
Source of water:	Buck Creek, Tributary to S. Fork Rogue River
Points of Diversion:	The points of diversion are located as follows: Upper Diversion: 900 FEET SOUTH AND 1500 FEET EAST FROM EAST ¼ CORNER OF SECTION 26, being within the NE ¼ SW ¼ SECTION 25, Lower Diversion: 200 FEET SOUTH AND 700 FEET EAST FROM EAST ¼ CORNER OF SECTION 26 being within the NW 1/4 SW 1/4, SECTION 25, Both within TOWNSHIP 33 SOUTH, RANGE 3 EAST, W.M.
Place of Use:	NE¼ NE¼ of Section 26, Township 33 South, Range 3 East, W.M.
Purpose:	Hydroelectric for onsite use
Power developed:	Up to 20 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 503-986-0823 or Ron.c.kohanek@oregon.gov
Copies of this application are available upon request.

Renewal of Aquifer Storage and Recovery (ASR) Limited Licenses

ASR means the storage of water from a separate source that meets drinking water standards in a suitable aquifer for later recovery and not having as one of its primary purposes the restoration of the aquifer (ORS 537.531). The use of water for ASR testing purposes requires a limited license pursuant to ORS 537.534. The requirements and procedures of an ASR limited license are different than those for limited licenses pursuant to ORS 537.143. Only after completion of an ASR testing program under a limited license may an applicant apply for a permanent ASR permit. The appearance of a renewal request in the public notice commences a 30-day public comment period. Following the public comment period, the Department may request additional information regarding the renewal request, renew the limited license, renew the limited license with additional conditions, or deny the request.

An ASR Limited License may be renewed if the applicant demonstrates to the Director's satisfaction that further testing is necessary and that the applicant complied with the terms of the limited license. The standards, findings and process used in the license renewal process shall be as provided in OAR 690-350-0020. The Director may renew an ASR Limited License for a term of not more than 5 years.

Application Certificate	ASR Limited License-020 Renewal
County/Basin	Umatilla / Umatilla
Applicant	Madison Ranches, c/o Jake Madison 29299 Madison Rd Echo, OR 97826
Source/TRS	A well (UMAT 57869), Butter Creek > Umatilla River / 3.00N 28.00E 31
Use/Quantity	Aquifer Storage and Recovery Testing / 13.36 CFS
ASR Well Locations	ASR 1 (UMAT 1166) 50 ft north and 1270 feet west from SE corner of Section 25, T3N/R27E Proposed ASR 2050 feet south and 1530 feet east of NW corner of Section 31, T3N/R28E
Max Injection/Withdrawal	6,000 GPM / 6,000 GPM THROUGH 2 WELL(S)
Max Storage Volume	1.65 BILLION GALLONS IN A BASALT AQUIFER

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

November 8, 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.