

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
November 15, 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.
- * **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 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 Notice: District Permanent Transfers for Place of Use- ORS 540.580(4)**
District notices filed for place of use changes within a district's boundary.

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

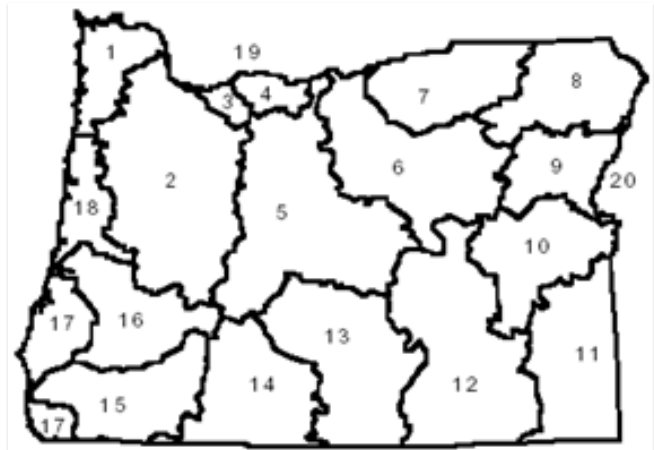
Unit of measure:

- 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 15, 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 30, 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# [S-89209](#)
County/Basin Douglas / Umpqua (16)
Applicant Name GRONDIN, KATIE
PO BOX 939
CANYONVILLE, OR 97417
Sources/TRSQ40Q160 SOUTH UMPQUA RIVER > UMPQUA RIVER / 30.00S 4.00W 26 NENE
Use/Quantity HUMAN CONSUMPTION / 0.005 CFS
Priority Date 01/26/2022
Stage/Status PFO / PROPOSE TO APPROVE

App# [S-89274](#)
County/Basin Clatsop / North Coast (1)
Applicant Name POGUE, BRIAN AND PEGGY
35103 HWY 26
SEASIDE, OR 97138
Sources/TRSQ40Q160 MAIL CREEK > NECANICUM RIVER / 5.00N 10.00W 24 NESW
Use/Quantity DOMESTIC / 0.010 CFS
Priority Date 10/03/2022
Stage/Status IR / PROPOSE TO DENY

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# [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# [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 14, 2023.

App#	R-89291
County/Basin	Polk / Willamette (2)
Applicant Name	D AND G RHODYS NURSERY LLC 1065 S PACIFIC HWY UNIT 1 WOODBURN, OR 97071
Sources/TRSQ40Q160	RUNOFF > WILLAMETTE RIVER / 6.00S 3.00W 29 SWNW
Use/Quantity	MULTIPLE PURPOSE / 10.000 AF
Priority Date	11/07/2022

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 30, 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#	S-88262
Permit#	S-55057
County/Basin	Jackson / Rogue (15)
Applicant Name	LANGHOFF, ROBERT SHADY COVE, OR 97539
	MALEPSY, MIKE 36 MEADOW LANE SHADY COVE, OR 97539
Sources/TRSQ40Q160	ROGUE RIVER > PACIFIC OCEAN / 34.00S 1.00W 28 NWNE ROGUE RIVER > PACIFIC OCEAN / 34.00S 1.00W 28 SWNE LOST CREEK RESERVOIR > ROGUE RIVER / 33.00S 1.00E 26 SWNW
Use/Quantity	IRRIGATION / 96.840 AF

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 November 29, 2022, 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#	LL-1943
County/Basin	Curry / South Coast (17)
Applicant Name	JENNINGS, HANNAH & MARTIN 94790 SOUTH BANK PISTOL RIVER ROAD BROOKINGS, OR 97415
Sources/TRSQ40Q160 Use/Quantity	UNNAMED STREAM > PISTOL RIVER / 38.00S 14.00W 29 NWSE DOMESTIC EXPANDED / 0.005 CFS

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 December 06, 2022. 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-659
Certificate	80484
Name	HAMLIN, CAROL L. 2592 E BARNETT RD MEDFORD, OR 97504
Priority Date	09/25/1991
Source/Tributary To	NORTH UMPQUA RIVER / UMPQUA RIVER

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 15, 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-14113](#)
Water Right Cert: 39065
County/Basin Jefferson / Deschutes (5)
Applicant Name OREGON PARKS AND RECREATION DEPARTMENT
7300 SW JORDAN RD
CULVER, OR 97734
Proposed Change ADDITIONAL POINT OF APPROPRIATION
Sources/TRSQ40Q160 WELL 1 > DESCHUTES RIVER / 12.00S 12.00E 15 NENW
Use/Quantity DOMESTIC / 0.080 CFS
Priority Date 01/12/1968

Transfer [T-14116](#)
Water Right Cert: 51520
County/Basin Jackson / Rogue (15)
Applicant Name WB AGRICULTURAL LLC
PO BOX 609
WILLOW, AK 99688
Proposed Change POINT OF DIVERSION
Sources/TRSQ40Q160 BIRDSEYE CREEK > ROGUE RIVER / 36.00S 4.00W 34 SWSE
Use/Quantity IRRIGATION / 1.530 CFS
Priority Date 12/31/1969

Transfer [T-14117](#)
Water Right Cert: 89719
County/Basin Clackamas / Willamette (2)
Applicant Name FARLEY, ADAM
COUNTRYSIDE NURSERY INC.
23800 NE AIRPORT RD
AURORA, OR 97002
Proposed Change ADDITIONAL POINT OF APPROPRIATION
Sources/TRSQ40Q160 A WELL > PUDDING RIVER / 3.00S 1.00W 36 NWSW
A WELL > PUDDING RIVER / 3.00S 1.00W 36 SWSW
Use/Quantity NURSERY USES / 1.000 CFS
Priority Date 05/20/1994

Transfer [T-14118](#)
Water Right Cert: 86446 ()
County/Basin Linn / Willamette (2)
Applicant Name LATIMER, KYLE W.
PO BOX 310
LEBANON, OR 97355
Proposed Change POINT OF APPROPRIATION
Sources/TRSQ40Q160 A WELL > OWL CREEK / 12.00S 4.00W 8 NWSE
Use/Quantity IRRIGATION / 0.148 CFS
Priority Date 04/12/1960

Transfer [T-14119](#)
Water Right Cert: 46880, 91249 (T-11938)
County/Basin Lake / Goose & Summer Lake (13)
Applicant Name RICKETTS, NICKOLAS
RICKETTS FAMILY FARM
P.O. BOX 130
SILVER LAKE, OR 97638
Proposed Change PLACE OF USE
Sources/TRSQ40Q160 A WELL > FORT ROCK BASIN / 28.00S 16.00E 10 SWSE
A WELL > SILVER LAKE / 28.00S 16.00E 10 SWSE
Use/Quantity IRRIGATION / 0.330 CFS
Priority Date 01/12/1972, 03/22/1983

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 December 15, 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-14037](#) filed by City of Ashland, 20 East Main Street, Ashland, Oregon 97520, proposes changes in place of use and character of use under Certificate 95315. The right allows the use of 0.10 cfs from Ashland Creek, tributary of Bear Creek in Sec. 9, T39S, R1E, W.M. for irrigation in Sec. 5, T39S, R1E, W.M. The applicant proposes to create an instream use in Ashland Creek at the point of diversion. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540, OAR 690-380-5000 and OAR 690-077-0075.

Notice of District Permanent Transfer for Place of Use

A district may allow a change in place of use prior to the Department issuing a final order approving a district permanent transfer application provided, in part, that (1) the District files a notice with the Department of the change in place of use prior to making the change, and (2) prior to the end of the calendar year in which the change in place of use occurs the District submits a district permanent transfer application for the same change in place of use [ORS 690-385-4100(1)(a) and (b)]. Notices for District Permanent Transfers for Place of Use submitted to the Department are listed below.

Notice **2022-019**
County Deschutes
Certificate 94956, 76714
Priority Date 10/31/1900; 12/2/1907; 2/28/1913
Name CENTRAL OREGON IRRIGATION DISTRICT
Address 1055 S.W. LAKE CT
REDMOND, OR 97756
Use IRRIGATION; SUPPLEMENTAL IRRIGATION
Source DESCHUTES R > COLUMBIA R
CRANE PRAIRIE RES > DESCHUTES
Acres: 0.66
Authorized POU: T17S R14E 27 NENW
Proposed POU: T17S R14E 27 NENW

Notice **2022-025**
County Deschutes
Certificate 94956, 76714
Priority Date 10/31/1900; 12/2/1907; 2/28/1913
Name CENTRAL OREGON IRRIGATION DISTRICT
Address 1055 S.W. LAKE CT
REDMOND, OR 97756
Use IRRIGATION; SUPPLEMENTAL IRRIGATION
Source DESCHUTES R > COLUMBIA R
CRANE PRAIRIE RES > DESCHUTES
Acres: 1.22
Authorized POU: T14S R13E 27 SWNE
Proposed POU: T14S R13E 27 NWNW

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

November 15, 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.