

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS  
December 27, 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.
- \* **Expedited Secondary Applications to Use Stored Water**  
Applications to use stored water exclusively, filed under a simplified review process.
- \* **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: District Permanent for Place of Use - ORS 540.580**  
Petitions requesting permanent changes in place(s) of use within a district's boundary.
- \* **Transfer Applications: District Temporary - ORS 540.570**  
Petitions requesting temporary changes in water use within a district's boundary for one irrigation season.
- \* **Transfer Applications: Permit Amendments**  
Requests to amend permits.
- \* **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**

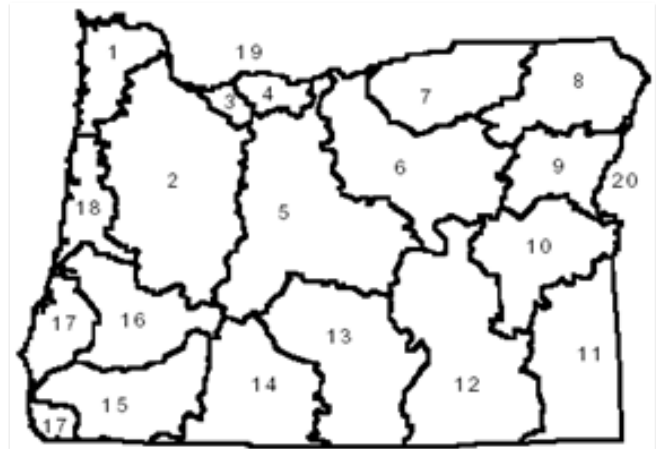
Unit of measure:

- 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, January 26, 2023.** 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, February 10, 2023.**

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="#">R-89298</a>
County/Basin	Lake / Goose & Summer Lake (13)
Applicant Name	DIT IT CONSTRUCTION INC. HOLLAND, CALEB E. PO BOX 949 CHESTER, OR 96020
Sources/TRSQ40Q160	WILLOW CREEK > DREWS CREEK / 40.00S 18.00E 5 NENE RUNOFF > DREWS CREEK / 40.00S 18.00E 5 NENE RUNOFF > WILLOW CREEK / 39.00S 18.00E 32 SWNE RUNOFF > DREWS CREEK / 40.00S 18.00E 5 SENE
Use/Quantity	STORAGE / 305.500 AF
Priority Date	11/16/2022
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# [R-89197](#)  
County/Basin Yamhill / Willamette (2)  
Applicant Name SLEGERS LAND AND CATTLE LLC  
18345 SE NICHOLS RD  
DAYTON, OR 97114  
Priority Date 12/23/2021  
Issue Date 12/23/2022  
Status APPROVED

App# [R-89198](#)  
County/Basin Yamhill / Willamette (2)  
Applicant Name SLEGERS LAND AND CATTLE LLC  
18345 SE NICHOLS RD  
DAYTON, OR 97114  
Priority Date 12/23/2021  
Issue Date 12/23/2022  
Status APPROVED

App# [R-89199](#)  
County/Basin Yamhill / Willamette (2)  
Applicant Name SLEGERS LAND AND CATTLE LLC  
18345 SE NICHOLS RD  
DAYTON, OR 97114  
Priority Date 12/23/2021  
Issue Date 12/23/2022  
Status APPROVED

App# [S-89149](#)  
County/Basin Linn / Willamette (2)  
Applicant Name PAUL E NOFZIGER REVOCABLE LIVING TRUST  
38737 CONSER RD NE  
ALBANY, OR 97321  
Priority Date 07/21/2021  
Issue Date 12/23/2022  
Status APPROVED

## **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 **January 26, 2023**. 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#	<a href="#">S-89304</a>
County/Basin	Polk / Willamette (2)
Applicant Name	LEWIS DLC FARM LLC C/O ANDREW BRYANT PO BOX 516 SAINT PAUL, OR 97137
Sources/TRSQ40Q160	A POND > UNNAMED STREAM / 9.00S 5.00W 18 SWNW
Use/Quantity	IRRIGATION / 8.000 AF
Priority Date	12/15/2022

## 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-132 filed by Sarbanand Enterprises, LLC, 786 Road 188, Delano, CA 93215, submitted an application for Allocation of Conserved Water under ORS 537.470. Certificate 53090 is for 0.26 cubic foot per second (cfs), 52.75 Acre Feet (AF) from South Yamhill River, a tributary of Willamette River for irrigation of 21.1 acres in Sects. 35 and 36, T5S, R5W, WM. Certificate 66607 is for 1.51 cubic feet per second (cfs), 302.5 Acre Feet (AF) from South Yamhill River, a tributary of the Yamhill River for irrigation of 121.0 acres in Sects. 25 and 36, T5S, R5W, WM. The conservation project proposes to convert from sprinkler irrigation to drip irrigation. The project proposes to conserve approx. 1.29 cfs, 284.2 AF. The applicant proposes to protect 25% (0.32 CFS, 71.05 AF) of the conserved water instream.

The project appears to be consistent with the requirements under ORS 537.470. Any interested person may submit written comments for the applications. Comments must be received within 20 days of the last day of newspaper publication being, by 5:00 pm on **January 19, 2023**. Comments should be sent to the attention of the ACW Program, Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301.



## **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 February 10, 2023.** 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.

#### **1.) OAR-690-315**

App#	<a href="#">G-15912</a>
Permit#	G-15762
County/Basin	Deschutes / Deschutes (5)
Applicant Name	MANLEY, JAMES P. PO BOX 565 SISTERS, OR 97759
Sources/TRSQ40Q160 Use/Quantity	A WELL > DRY CANYON / 15.00S 11.00E 34 NWNW IRRIGATION / 0.070 CFS

## **Transfer Applications: Permit Amendments**

The holder of a water right permit may apply to change a point of diversion or appropriation or to change the place of use 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.

Transfer	<a href="#">T-14130</a>
Water Right	Permit: G-18312
County/Basin	Clackamas / Willamette (2)
Applicant Name	BIELENBERG, DAVID J. 16425 HERIGSTAD RD NE SILVERTON, OR 97381
Proposed Change	ADDITIONAL POINT OF APPROPRIATION
Sources/TRSQ40Q160	A WELL > PUDDING RIVER BASIN / 5.00S 1.00E 36 NWNE
Use/Quantity	IRRIGATION / 0.260 CFS
Priority Date	02/04/2019

## Applications for District Permanent Transfer for Place of Use

A district may request to permanently change the place of use within district boundaries pursuant to ORS 540.580. A petition (application) for a district permanent water right transfer may be submitted subsequent to (specific noticing requirements apply) or prior to the change in place of use, but no later than the end of the calendar year in which the change occurs. The petition may include an unlimited number of place of use transfers within the same petition. Any recently filed Application for District Permanent Water Right Transfer for Place of Use is listed below.

Public comments may be submitted by any person (please follow the instructions on the last page of this public notice). A protest may be filed by any potentially affected holder of an existing water right, either jointly or severally with other persons, provided the protest is not by a user within a district alleging injury to the delivery of water by the district. Each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing. Protests must be accompanied by a \$950 protest fee for non-applicants and a \$480 protest fee for the applicant, and filed in accordance with OAR Chapter 690, Division 2. **Comments or protests must be received by the Department on or before January 26, 2023.**

Pursuant to ORS 540.580(8), if a water user within the district files a protest claiming injury to a water right delivery by the district, no contested case hearing shall be required, but the district shall resolve the matter directly with the water user.

To view the permanent transfer application, click on the link below.

Transfer	<a href="#">T-14131</a>
County	Jackson
Certificate	89373
Priority Date	AUGUST 21, 1915
Name	EAGLE POINT IRRIGATION DISTRICT
Address	PO BOX 157 EAGLE POINT, OR 97524
Use	IRRIGATION
Source	BIG BUTTE CR > ROGUE R
Transfer	<a href="#">T-14132</a>
County	Hood River
Certificate	80929; 84803; 92000
Priority Date	MARCH 13, 1964; AUGUST 8, 1977; NOVEMBER 25, 1895
Name	EAST FORK IRRIGATION DISTRICT
Address	PO BOX 162 ODELL, OR 97044
Use	IRRIGATION
Source	EAST FORK HOOD RIVER > HOOD RIVER

Transfer	<a href="#">T-14133</a>
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

## Application for District Temporary Transfer

A district with a manager may request to temporarily change a water use within district boundaries for one irrigation season pursuant to ORS 540.570. District temporary transfers may include a change: (1) in place of use; (2) in type of use of a water right to store water; (3) in type of use from a primary right to a supplemental right; (4) in point of diversion/appropriation to facilitate a change in place of use; (5) in point of diversion in response to an emergency; and (6) from a surface water point of diversion to a ground water appropriation. A district may allow proposed changes to occur upon submission of an Application for District Temporary Water Right Transfer to the Department.

The Department shall approve the request provided it does not cause injury to any existing water right or expand the water use. A district temporary transfer may be conditioned or revoked at any time to avoid injury to other water rights. The use of water reverts to the prior authorized place of use, type of use, point of diversion/appropriation upon expiration of the temporary change.

The Department is requesting public comments on the recently filed district temporary transfer application(s) listed below. Comments may be submitted by any person (please follow the instructions on the last page of this public notice). The Department shall consider all comments that pertain to the potential for injury to an existing water right or to the enlargement of the water use subject to transfer in determining whether to condition, reject or revoke a temporary transfer. **Comments must be received by the Department on or before January 26, 2023.**

To view the district temporary transfer application, click on the link below.

Transfer	<a href="#">T-14133</a>
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

## **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 January 26, 2023.**

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:

#### **South Umpqua Water Association (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# [96802](#)  
App: G-14486  
County/Basin Deschutes / Deschutes (5)  
Applicant Name CITY OF SISTERS  
CITY OF SISTERS  
Priority Date 03/27/1997  
Issue Date 12/23/2022

Cert# [96781](#)  
App: S-87805  
County/Basin Yamhill / Willamette (2)  
Applicant Name DERA EVE FAMILY LLC  
Priority Date 05/01/2012  
Issue Date 12/23/2022

Cert# [96794](#)  
App: R-87519  
County/Basin Grant / John Day (6)  
Applicant Name ENSIGN 1993 TRUST  
Priority Date 08/21/2009  
Issue Date 12/23/2022

Cert# [96780](#)  
App: R-87348  
County/Basin Polk / Willamette (2)  
Applicant Name EOLA HILLS WINE CELLARS INC.  
Priority Date 11/21/2008  
Issue Date 12/23/2022

Cert# [96789](#)  
App: G-16246  
County/Basin Marion / Willamette (2)  
Applicant Name ERNST, BRUCE  
Priority Date 05/12/2004  
Issue Date 12/23/2022

Cert# [96788](#)  
App: S-85071  
County/Basin Douglas / Umpqua (16)  
Applicant Name GALLOWAY, ROBERT  
GALLOWAY, KAY  
Priority Date 03/08/2002  
Issue Date 12/23/2022

Cert# [96790](#)  
App: S-88756  
County/Basin Douglas / Umpqua (16)  
Applicant Name LYNN, LORETTA JOY  
LYNN, SYLVIA M.  
Priority Date 03/12/2019  
Issue Date 12/23/2022

Cert# [96797](#)  
App: R-88215  
County/Basin Josephine / Rogue (15)  
Applicant Name MCEWEN, JOY  
Priority Date 04/20/2016  
Issue Date 12/23/2022

Cert# [96800](#)  
App: S-87906  
County/Basin Douglas / Umpqua (16)  
Applicant Name MELVIN, ERIC J.  
MELVIN, CHRISTY  
Priority Date 06/10/2013  
Issue Date 12/23/2022

Cert# [96793](#)  
App: R-87561  
County/Basin Clackamas / Willamette (2)  
Applicant Name MOSTUL, BURL  
Priority Date 12/21/2009  
Issue Date 12/23/2022

Cert# [96784](#)  
Xfer: T-12646  
County/Basin Deschutes / Deschutes (5)  
Applicant Name ROSS, VIRGINIA  
Priority Date 07/19/1917  
Issue Date 12/23/2022

Cert# [96798](#)  
App: S-87927  
County/Basin Douglas / Umpqua (16)  
Applicant Name SHINN, BRADLEY R.  
SHINN, SARAH M.  
Priority Date 09/05/2013  
Issue Date 12/23/2022

Cert# [96799](#)  
App: S-88112  
County/Basin Wallowa / Grande Ronde (8)  
Applicant Name WEIGHT, HAROLD J.  
Priority Date 07/24/2015  
Issue Date 12/23/2022

Cert# [96779](#)  
App: R-87272  
County/Basin Clackamas / Willamette (2)  
Applicant Name YOUNGER, ROCKY C.  
Priority Date 08/22/2008  
Issue Date 12/23/2022



# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
December 27, 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.

