

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS  
July 18, 2023

*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.
- \* **Emergency Water Use (Drought) Applications (OAR 690-019-0040)**  
Applications for emergency water use permits to use surface water or groundwater during a drought declared under ORS 536.740.
- \* **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 Applications: Permit Amendments**  
Requests to amend permits.

- \* **Ground Water Registration Modifications**  
Applications requesting Department recognition of changes in point of appropriation, place of use and character of use under a ground water certificate of registration.
- \* **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.
- \* **Water Management and Conservation Plan Progress Reports**  
Water management and conservation plan progress reports submitted by municipalities under provisions of OAR Chapter 690, Division 86.
- \* **Certificate Issuance**  
Included in this section is a listing of recently issued water right certificates.
- \* **PC 21 Hydroelectric water right convert instream**
- \* **Notice of Consideration for instream HE293**
- \* **HE 241 Notice of consideration to convert instream**

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 [Tonya.L.Miller@water.oregon.gov](mailto:Tonya.L.Miller@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, August 17, 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, September 01, 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**

**\*\*\*There are no Initial Review or Proposed Final Orders for the week of 7/11/2023 –  
7/18/2023\*\*\***

## **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 503-986-0900.

App# [R-88857](#)  
County/Basin Lake / Goose & Summer Lake (13)  
Applicant Name LEAL, JAMES J.  
LEAL, GABRIELLE R.  
17668 BUCK RD  
LAKEVIEW, OR 97630  
Priority Date 08/06/2020  
Issue Date 07/07/2023  
Status APPROVED

App# [R-89301](#)  
County/Basin Grant / John Day (6)  
Applicant Name CRISSMAN, MARK  
30483 HWY 395 N  
LONG CREEK, OR 97856  
Priority Date 12/05/2022  
Issue Date 07/07/2023  
Status APPROVED

App# [R-89328](#)  
County/Basin Douglas / Umpqua (16)  
Applicant Name GLASSCOCK, STEVEN  
GLASSCOCK, PATRICE  
3217 COLE RD  
OAKLAND, OR 97462  
Priority Date 01/26/2023  
Issue Date 07/07/2023  
Status APPROVED

App# [R-89329](#)  
County/Basin Douglas / Umpqua (16)  
Applicant Name GLASSCOCK, STEVEN  
GLASSCOCK, PATRICE  
3217 COLE RD  
OAKLAND, OR 97462  
Priority Date 01/26/2023  
Issue Date 07/07/2023  
Status APPROVED

App# [R-89333](#)  
County/Basin Polk / Willamette (2)  
Applicant Name DOMINGUEZ FAMILY TRUST  
DOMINGUEZ, CARLOS  
DOMINGUEZ, CYNTHIA  
4360 COOPER HOLLOW RD  
DALLAS, OR 97338  
Priority Date 02/03/2023  
Issue Date 07/07/2023  
Status APPROVED

App# [R-89334](#)  
County/Basin Polk / Willamette (2)  
Applicant Name DOMINGUEZ FAMILY TRUST  
DOMINGUEZ, CARLOS  
DOMINGUEZ, CYNTHIA  
4360 COOPER HOLLOW RD  
DALLAS, OR 97338  
Priority Date 02/03/2023  
Issue Date 07/07/2023  
Status APPROVED

App# [R-89338](#)  
County/Basin Clackamas / Willamette (2)  
Applicant Name ASCENSIONIST HOLDINGS LLC  
C/O MIKE GETLIN  
16418 S BROCKWAY RD  
OREGON CITY, OR 97045  
Priority Date 02/21/2023  
Issue Date 07/07/2023  
Status APPROVED

App# [R-89341](#)  
County/Basin Clackamas / Willamette (2)  
Applicant Name ASCENSIONIST HOLDINGS LLC  
C/O MIKE GETLIN  
16418 S BROCKWAY RD  
OREGON CITY, OR 97045  
Priority Date 02/21/2023  
Issue Date 07/07/2023  
Status APPROVED

App# [S-89142](#)  
County/Basin Douglas / Umpqua (16)  
Applicant Name ANDRUS LIVING TRUST DTD 12/13/2018  
459 SNOWBERRY RD  
ROSEBURG, OR 97471  
Priority Date 07/01/2021  
Issue Date 07/07/2023  
Status APPROVED

App# [S-89203](#)  
County/Basin Clatsop / North Coast (1)  
Applicant Name CANNON VIEW PARK INC  
GIBSON, RICHARD  
80478 CARNAHAN RD  
ARCH CAPE, OR 97102  
Priority Date 12/30/2021  
Issue Date 07/07/2023  
Status APPROVED

App# [S-89221](#)  
County/Basin Jackson / Rogue (15)  
Applicant Name MALEPSY, MICHAEL  
36 MEADOW LANE  
SHADY COVE, OR 97539  
Priority Date 03/10/2022  
Issue Date 07/07/2023  
Status APPROVED

App# [S-89236](#)  
County/Basin Linn / Willamette (2)  
Applicant Name BROWN, MILTON  
BROWN, PINH  
10325 HEMPHILL PLACE  
SAN DIEGO, CA 92126  
Priority Date 05/19/2022  
Issue Date 07/07/2023  
Status APPROVED

App# [S-89269](#)  
County/Basin Coos / South Coast (17)  
Applicant Name MCDANIEL, WILLIAM  
MCDANIEL, SUZIE  
740 S 12TH ST  
COOS BAY, OR 97420  
Priority Date 09/12/2022  
Issue Date 07/07/2023  
Status APPROVED

App# [S-89272](#)  
County/Basin Linn / Willamette (2)  
Applicant Name KROPF, BARNEY  
23495 POWERLINE RD  
HARRISBURG, OR 97446  
Priority Date 02/27/2022  
Issue Date 07/07/2023  
Status APPROVED

App# [S-89274](#)  
County/Basin Clatsop / North Coast (1)  
Applicant Name POGUE, PEGGY  
35103 HWY 26  
SEASIDE, OR 97138  
Priority Date 10/03/2022  
Issue Date 07/07/2023  
Status APPROVED

App# [S-89305](#)  
County/Basin Josephine / Rogue (15)  
Applicant Name STONE, BARRY J.  
1212 GREEN TREE LOOP  
GRANTS PASS, OR 97527  
Priority Date 12/21/2022  
Issue Date 07/07/2023  
Status APPROVED

App# [S-89343](#)  
County/Basin Clackamas / Willamette (2)  
Applicant Name ADCOCK FAMILY TREE FARM  
PO BOX 857  
MULINO, OR 97042  
Priority Date 02/27/2023  
Issue Date 07/07/2023  
Status APPROVED



## **Emergency Water Use (Drought) Applications (OAR 690-019-0040)**

When a drought is declared under ORS 536.740, the Director is authorized to issue emergency use permits to replace water not available under an existing right because of the drought. The Director shall approve an application for emergency water use upon findings that the proposed use will not cause injury to existing water rights and will not impair or be detrimental to the public interest. OAR 690-019-0040(3). In evaluating whether the proposed use will impair or be detrimental to the public interest, the Director shall consider the factors described in OAR 690-310-0120 and 690-310-0130; and

- a) The need for water because of the drought emergency; and
- b) The short-term nature of the proposed emergency use.

The following is a list of emergency water use permit applications recently filed, or which have recently received a final order, pursuant to OAR 690-019-0040. For any emergency use permits issued, the expiration date will not exceed the term of the Governor's declared drought or one year. The Director will consider all comments received concerning the use, or proposed use, under the emergency use permit throughout the life of the permit. (OAR 690-019-0040(4)(b))

App#	<a href="#">G-19375</a>
County/Basin	Jackson / Rogue (15)
Applicant Name	1310 GREGORY LLC TAAFFE, BRANDON 1310 E GREGORY RD CENTRAL POINT, OR 97502
Sources/TRSQ40Q160	A WELL > WHETSTONE CREEK / 36.00S 1.00W 30 SWNE
Use/Quantity	SUPPLEMENTAL IRRIGATION / 0.050 CFS
Priority Date	07/03/2023
Status	Under Review

## **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 September 16, 2023.**

App# [R-89386](#)  
County/Basin Douglas / Umpqua (16)  
Applicant Name WILLOUGHBY, ALEX  
PO BOX 187  
WINCHESTER, OR 97495  
Sources/TRSQ40Q160 RUNOFF > NORTH UMPQUA RIVER / 26.00S 5.00W 21 SWSE  
Use/Quantity MULTIPLE PURPOSE / 2.000 AF  
Priority Date 07/10/2023

App# [R-89384](#)  
County/Basin Coos / South Coast (17)  
Applicant Name FARM TO TABLE TRANSPARENCY LLC  
86895 N BANK LANE  
COQUILLE, OR 97423  
Sources/TRSQ40Q160 RUNOFF > COQUILLE RIVER / 28.00S 14.00W 25 SENW  
Use/Quantity MULTIPLE PURPOSE / 0.480 AF  
Priority Date 07/10/2023

App# [R-89383](#)  
County/Basin Coos / South Coast (17)  
Applicant Name THOMAS, NICK  
FARM TO TABLE TRANSPARENCY LLC  
86895 N BANK LANE  
COQUILLE, OR 97423  
Sources/TRSQ40Q160 RUNOFF > COQUILLE RIVER / 28.00S 14.00W 25 SENW  
Use/Quantity MULTIPLE PURPOSE / 0.190 AF  
Priority Date 07/10/2023

App# [R-89382](#)  
County/Basin Coos / South Coast (17)  
Applicant Name FARM TO TABLE TRANSPARENCY LLC  
86895 N BANK LANE  
COQUILLE, OR 97423  
Sources/TRSQ40Q160 RUNOFF > COQUILLE RIVER / 28.00S 14.00W 25 SENW  
Use/Quantity MULTIPLE PURPOSE / 0.150 AF  
Priority Date 07/10/2023

App# [R-89385](#)  
County/Basin Coos / South Coast (17)  
Applicant Name THOMAS, NICK  
FARM TO TABLE TRANSPARENCY LLC  
86895 N BANK LANE  
COQUILLE, OR 97423  
Sources/TRSQ40Q160 RUNOFF > COQUILLE RIVER / 28.00S 14.00W 25 SENW  
Use/Quantity MULTIPLE PURPOSE / 0.440 AF  
Priority Date 07/10/2023

App# [R-89381](#)  
County/Basin Coos / South Coast (17)  
Applicant Name THOMAS, NICK  
FARM TO TABLE TRANSPARENCY LLC  
86895 N BANK LANE  
COQUILLE, OR 97423  
Sources/TRSQ40Q160 RUNOFF > COQUILLE RIVER / 28.00S 14.00W 25 SENW  
Use/Quantity MULTIPLE PURPOSE / 0.300 AF  
Priority Date 07/10/2023

## 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 August 01, 2023, 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#	<a href="#">LL-1959</a>
County/Basin	Crook / Deschutes (5)
Applicant Name	WESTRIDGE HOA CAGE, ROBERT 2766 NW CENTURY DRIVE PRINEVILLE, OR 97754
Sources/TRSQ40Q160 Use/Quantity	A WELL > CROOKED RIVER / 14.00S 15.00E 28 NENE QUASI-MUNICIPAL USES / 0.245 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 August 08, 2023.** 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#	<a href="#">IL-888</a>
Certificate	728, 730
Lessor	PETERSON, LUKE 37603 NW HARRISON RD BANKS, OR 97106
Lessor	PETERSON, SARAH 37603 NW HARRISON RD BANKS, OR 97106
Lessee	TOWNSEND, LACEY TUALATIN SOIL AND WATER CONSERVATION DISTRICT 7175 NE EVERGREEN PRKWY, #400 HILLSBORO, OR 97124
Priority Date	11/30/1909, 12/16/1914
Source/Tributary To	BLED SOE CREEK / EAST FORK DAIRY CREEK

## 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 August 17, 2023. 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	<a href="#">T-14274</a>
Water Right	Cert: 83682
County/Basin	Curry / South Coast (17)
Applicant Name	HOWARD, JANELL CITY OF BROOKINGS 898 ELK DR BROOKINGS, OR 97415
Proposed Change	ADDITIONAL POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	CHETCO RIVER > PACIFIC OCEAN / 40.00S 13.00W 35 NENW
Use/Quantity	MUNICIPAL USES / 4.000 CFS
Priority Date	09/14/1961

## 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-14277</a>
Water Right	Permit: G-8579
County/Basin	Polk / Willamette (2)
Applicant Name	CITY OF MONMOUTH 151 WEST MAIN ST MONMOUTH, OR 97361
Proposed Change	POINT OF APPROPRIATION
Sources/TRSQ40Q160	A WELL > WILLAMETTE RIVER / 8.00S 4.00W 28 NESE
Use/Quantity	MUNICIPAL USES / 5.000 CFS
Priority Date	08/14/1978

## **Transfer Applications: Ground Water Registration Modification**

The holder of a ground water certificate of registration may request that the Department recognize a change in point of appropriation, place of use or character of use under the ground water registration. Modifications of ground water registrations are authorized under ORS 537.610(4) and OAR Chapter 382.

The Department seeks public comment on the recently-filed applications for recognition of modifications in ground water registrations listed below. Any person may comment on an application for a ground water registration modification. Comments must be received by the Department on or before August 17, 2023. 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 recognized 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	<a href="#">T-14269</a>
Water Right	Claim: GR 2512
County/Basin	Jackson / Rogue (15)
Applicant Name	CLEMENTS, ERICK 3185 MADRONA LN MEDFORD, OR 97501
Proposed Change	POINT OF APPROPRIATION, PLACE OF USE
Sources/TRSQ40Q160	A WELL > GRIFFIN CREEK / 37.00S 2.00W 35 NWNW
Use/Quantity	IRRIGATION / 0.033 CFS
Priority Date	03/31/1946



## **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 August 17, 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:

#### **City of Jacksonville (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).

## **Water Management and Conservation Plan Progress Reports**

Pursuant to OAR 690-086-0120(4) and (5), the Department is required to give notice of progress reports on Water Management and Conservation Plans.

Any person may review and comment on these progress reports. The Department requests that comments be submitted no later than 30 days after the date of this notice.

Progress reports have been submitted by the following municipal supplier(s):

### **Rainbow Water District and Springfield Utility Board (Municipal)**

To review any of the above progress report(s) or to provide comments on the progress report(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# [97248](#)  
App: G-18462  
County/Basin Deschutes / Deschutes (5)  
Applicant Name K BAR J RANCH LLC  
Priority Date 02/22/2017  
Issue Date 07/18/2023

Cert# [97242](#)  
App: R-86762  
County/Basin Polk / Willamette (2)  
Applicant Name ROSEROCK WEST 2 LLC  
Priority Date 02/09/2007  
Issue Date 07/18/2023

Cert# [97243](#)  
App: R-88182  
County/Basin Lane / Willamette (2)  
Applicant Name VOLLSTEDT, FLORENCE  
Priority Date 02/22/2016  
Issue Date 7/18/2023

## **Notice of Proposed Final Order & Draft Certificate to Convert Instream Hydroelectric Project PC 21**

The Department seeks public comments, on the following Proposed Final Orders to convert PC 21, certificate 46965, to an instream water right. Comment's, Protests, or Request for Standing must be submitted within 60 days of publication of this notice.

The Proposed Final Order and draft certificate 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). **Comment's, Protests, or Request for Standing must be received by the Oregon Water Resources Department by 5:00 pm, September 15, 2023.**

Water right PC 21:	Certificate: 46965
Amount of water:	500 cubic feet per second (cfs)
Source of water:	Hood River, tributary to Columbia River
Point water is protected:	SE ¼ SE 1/4, SECTION 11, Township 2 North, Range 10 EAST W.M.

The Oregon Water Resource Department (OWRD) requests that parties interested in providing comments, protests, or requests for standing on the conversion of this hydroelectric water right into a instream water right should contact Craig Kohanek at 503-979-3185 or [Ron.c.kohanek@water.oregon.gov](mailto:Ron.c.kohanek@water.oregon.gov) Copies of this application are available upon request.

**Notice of Consideration for  
Conversion of a Hydroelectric Water Right  
To an Instream Right for Cherry Creek**

**This process is governed by ORS 543A.305 and OAR 690-054.**

Hydroelectric License HE 293 in the name of Josh & Linda Fredricks was issued for 3.4 cubic feet per second (cfs) of water from Cherry Creek, tributary to Muddy Creek. The diversion point was within the SW ¼ SE 1/4 of Section 1, Township 15 South, Range 6 West, W.M., Benton County .The priority date for this water right is December 16, 1980.

Project owners submitted their notice of intent to decommission project on March 18, 2019. Oregon Administrative Rules 690-054 provide for the conversion of this hydroelectric right to an instream right.

The Director makes a preliminary finding that the full amount of the water right up to 3.4 cfs is eligible for conversion. According to the records of the Department, no part of the water right has been transferred under ORS 540.520 or 540.530. During the time of hydroelectric use, all the water was used exclusively for hydroelectric purposes, no part of the right was used in conjunction with another water right.

The Director makes the following preliminary findings on the potential for injury and whether mitigation measures may be necessary to avoid injury and to ensure the continuation of other authorized water rights as of October 23, 1999.

Concerning actual use of the project: the hydroelectric project actually used up to 3.4 cfs of water until December 2019 when the project owners submitted their intent to decommission project.

Concerning the resulting impacts of the proposed conversion on actual use by other existing water rights as of October 23, 1999: the Department has records of water right certificates and permits that are junior to December 16, 1980, and are upstream of the original point of diversion. A full listing of authorized points of diversion in the Willamette basin is available at: [Water Right POD Summary \(state.or.us\)](https://www.water.state.or.us/water-right-pod-summary)

Many of the water rights are reported on annually by the irrigation districts. [WRIS Query Results - Search by Stream \(state.or.us\)](https://www.water.state.or.us/wris-query-results-search-by-stream)

Most (if not all) of the upstream surface water rights are NOT regulated annually by the Watermaster.

The hydroelectric right as originally issued stated: “The right granted herein is expressly made inferior in right and subsequent in time to any appropriation of water from this source for domestic, municipal, irrigation, or any other beneficial consumptive use.” In order to avoid expansion of the original water right, this subordination condition must be included in the conversion of the right to an instream water right. Therefore, the conversion will not injure other existing water rights and no other mitigation measures are necessary as conditions of the instream water right to avoid injury or to ensure the continuation of authorized water uses by other existing water rights.

The Department may convert 3.4 cfs of water to an instream water right. The right will be instream at the former diversion point, within the SW ¼ SE 1/4 of Section 1, Township 15 South, Range 6 West, W.M., Benton County. The right shall be inferior in right and subsequent in time to any appropriation of water from this source for domestic, municipal, irrigation, or any other beneficial consumptive use.

The Department requests comments from interested citizens, organizations, tribal and governmental entities, and other parties on this proposed conversion action. There is a 30-day comment period for any interested person to propose mitigation measures as conditions of the instream water right to avoid injury and to ensure the continuation of authorized water uses by other existing water rights as of October 23, 1999. Comments, questions, or requests to be included on future notices must be received by 5:00 PM on **Tuesday August 18, 2023**.

After the comment period has closed, the Department will share information with interested persons about mitigation measures that may have been proposed during the comment period and will meet and confer with those interested persons. The Department may extend the comment period to allow discussion of mitigation measures, and for interested persons to reach agreement. The Department must obtain affidavits consenting to the relevant mitigation measures from each holder of another existing water right as of October 23, 1999, that is potentially subject to new regulation under OAR 690-250 as a result of a conversion to an instream water right.

Consistent with OAR 690-54-0040, the Director will determine whether the conversion, together with any recommended mitigation measures to avoid injury and to ensure the continuation of authorized water uses prior to October 23, 1999, meets the standards of ORS 543A.305 and OAR 690-054. The Director will issue a notice of a proposed order approving or denying the conversion that will start a 60-day period for interested persons to file protests or requests for standing.

**Contact:** Martin Sanchez, Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301 or to [Martin.sanchez@water.oregon.gov](mailto:Martin.sanchez@water.oregon.gov)

**Notice of Consideration for  
Conversion of a Hydroelectric Water Right  
To an Instream Right for HE 241 – Bronson Creek**

**This process is governed by ORS 543A.305 and OAR 690-054.**

Hydroelectric License HE 241 in the name of Hillis A. Trenbeath was issued for 17.6 cubic feet per second (cfs) of water from Bronson Creek, tributary to Chehalem Creek, with a priority date of April 8, 1977. The diversion point was in the SW ¼ SW 1/4, Section 14, Township 3 South, Range 3 West, W.M., Yamhill County.

Use of the water under the hydroelectric water right has ceased for a period of more than 5 years. Oregon Revised Statutes 543A.305 provide for the conversion of this hydroelectric right to an instream right.

The Director makes a preliminary finding that the full amount of the water right up to 17.6 cfs is eligible for conversion. According to the records of the Department, no part of the water right has been transferred under ORS 540.520 or 540.530. During the time of hydroelectric use, all the water was used exclusively for hydroelectric purposes, no part of the right was used in conjunction with another water right, nor in conjunction with multi-purposes dam releases.

The Director makes the following preliminary findings on the potential for injury and whether mitigation measures may be necessary to avoid injury and to ensure the continuation of other authorized water rights as of October 23, 1999.

Concerning actual use of the project: the hydroelectric project actually used up to 16.7 cfs of water until hydroelectric production ceased.

Concerning the resulting impacts of the proposed conversion on actual use by other existing water rights as of October 23, 1999: the Department has records of water right certificates and permits that are junior to April 8, 1977; and are upstream of the original point of diversion. A full listing of authorized points of diversion in the Willamette basin is available at:

[https://apps.wrd.state.or.us/apps/wr/wrinfo/wr\\_summary\\_pod.aspx](https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_summary_pod.aspx).

Most (if not all) of the upstream surface water rights are NOT regulated annually by the Watermaster.

The hydroelectric right as originally issued stated: “The right granted herein is expressly made inferior in right and subsequent in time to any appropriation of water from this source for domestic, municipal, irrigation, or any other beneficial consumptive use.” In order to avoid expansion of the original water right, this subordination condition must be included in the conversion of the right to an instream water right. Therefore, the conversion will not injure other existing water rights and no other mitigation measures are necessary as conditions of the instream water right to avoid injury or to ensure the continuation of authorized water uses by other existing water rights.

The Department may convert 16.7 cfs of water to an instream water right. The right will be instream at the former diversion point, within the SW ¼ SW 1/4, Section 14, Township 3 North, Range 3 West, W.M., Yamhill County. The right shall be inferior in right and subsequent in time to any appropriation of water from this source for domestic, municipal, irrigation, or any other beneficial consumptive use.

The Department requests comments from interested citizens, organizations, tribal and governmental entities, and other parties on this proposed conversion action. There is a 30-day comment period for any interested person to propose mitigation measures as conditions of the instream water right to avoid injury and to ensure the continuation of authorized water uses by other existing water rights as of October 23, 1999. Comments, questions, or requests to be included on future notices must be received by 5:00 PM on **Friday, August 18, 2023**.

After the comment period has closed, the Department will share information with interested persons about mitigation measures that may have been proposed during the comment period and will meet and confer with those interested persons. The Department may extend the comment period to allow discussion of mitigation measures, and for interested persons to reach agreement. The Department must obtain affidavits consenting to the relevant mitigation measures from each holder of another existing water right as of October 23, 1999, that is potentially subject to new regulation under OAR 690-250 as a result of a conversion to an instream water right.

Consistent with OAR 690-54-0040, the Director will determine whether the conversion, together with any recommended mitigation measures to avoid injury and to ensure the continuation of authorized water uses prior to October 23, 1999, meets the standards of ORS 543A.305 and OAR 690-054. The Director will issue a notice of a proposed order approving or denying the conversion that will start a 60-day period for interested persons to file protests or requests for standing.

**Contact:** Craig Kohanek, Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301 or to [Ron.c.kohanek@water.oregon.gov](mailto:Ron.c.kohanek@water.oregon.gov)



# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

## PUBLIC NOTICE OF WATER USE REQUESTS

July 18, 2023

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.