

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
September 26, 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*

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.
- * **Extension of Time Checkpoint Progress Reports filed pursuant to OAR 690-315**
Documents the progress made toward development of the water use project since approval of the last permit extension and/or the last progress report checkpoint. (OAR 690-315 pertains to permit extension applications filed on or after July 1, 2001.)
- * **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.
- * **Certificate Issuance**
Included in this section is a listing of recently issued water right certificates.
- * **HE571 Notice for Reauthorization**

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 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

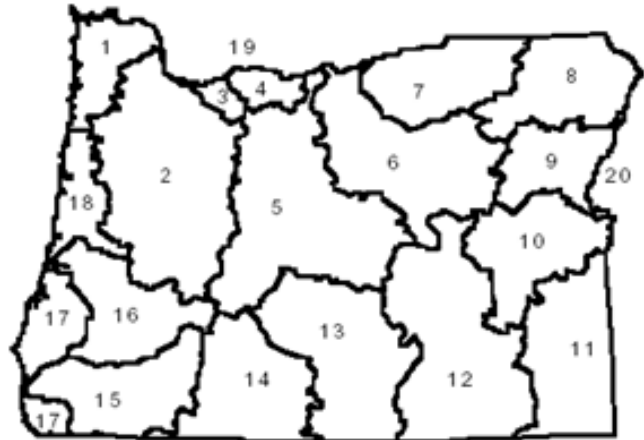
Unit of measure:

- 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, October 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, November 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

*****There are no Initial Reviews or Proposed Final Orders for the week of 9/19/2023 – 9/26/2023*****

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#	G-19309
County/Basin	Malheur / Malheur (10)
Applicant Name	NORTHWEST HOUSING ALTERNATIVES 2316 SE WILLARD ST MILWAUKIE, OR 97222
Priority Date	07/05/2022
Issue Date	09/22/2023
Status	APPROVED
App#	S-89128
County/Basin	Crook, Deschutes, Jefferson / Deschutes (5)
Applicant Name	U.S. BUREAU OF RECLAMATION 1917 MARSH RD YAKIMA, WA 98907
Priority Date	06/25/2021
Issue Date	09/15/2023
Status	APPROVED
App#	S-89172
County/Basin	Douglas / Umpqua (16)
Applicant Name	FISHBUMS LLC 16139 SW 130TH TERRACE 33 TIGARD, OR 97224
Priority Date	10/21/2021
Issue Date	09/22/2023
Status	APPROVED
App#	S-89226
County/Basin	Jackson / Rogue (15)
Applicant Name	MOORE, ALPHEUS 9456 STERLING CREEK RD JACKSONVILLE, OR 97530
Priority Date	03/16/2022
Issue Date	09/15/2023
Status	APPROVED
App#	S-89294
County/Basin	Jackson / Rogue (15)
Applicant Name	RED HORSE, JON 5619 BUTTE FALLS HWY EAGLE POINT, OR 97524
Priority Date	11/10/2022
Issue Date	09/22/2023
Status	APPROVED

App# [S-89322](#)
County/Basin Coos / South Coast (17)
Applicant Name O'CONNOR, SHAWN
MESZAROS, MICHAEL
47058 HWY 242
BROADBENT, OR 97414
Priority Date 01/10/2023
Issue Date 09/22/2023
Status APPROVED

App# [S-89325](#)
County/Basin Douglas / Umpqua (16)
Applicant Name DIAS, STEVEN
DIAS, MICHELLE
11689 EASTFIELD RD
POWAY, CA 92064
Priority Date 01/20/2023
Issue Date 09/22/2023
Status APPROVED

Alternate Reservoir Applications (ORS 537.409)

For alternate reservoir applications filed under ORS 537.409, the public is invited to comment within 60 days of this notice. The law provides that within 60 days after the Department provides public notice of the application, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir:

- (A) Would result in injury to an existing water right; or
- (B) Would pose a significant detrimental impact to existing fishery resources as determined on the basis of information submitted by the State Department of Fish and Wildlife.

Such comments must be submitted on or before November 25, 2023.

App#	R-89401
County/Basin	Washington / Willamette (2)
Applicant Name	HOROWITZ, ALFRED HOROWITZ, JULIE 19540 SW CONZELMANN RD SHERWOOD, OR 97140
Sources/TRSQ40Q160	MCKAY CREEK > DAIRY CREEK / 1.00N 2.00W 6 SWNW
Use/Quantity	MULTIPLE PURPOSE / 25.000 AF
Priority Date	09/15/2023

Extensions of Time Progress
Checkpoint Progress Reports filed pursuant to OAR 690-315

Consistent with OAR 690-315-0050(6), the Department will accept public comment on the following Extension of time Checkpoint Progress Reports until October 26, 2023. Comments must be in writing and must indicate the application file and permit numbers. Following the comment period, the Department shall review evidence to determine whether or not the permit holder has been diligent in developing and perfecting the water use permit and has complied with all terms and conditions of the permit and/or extension of time. Additionally, the Department will provide notice of its determination to anyone who has submitted comments.

App#	G-15039
Permit Number	G-13870
County/Basin	Clackamas / Willamette (2)
Applicant Name	BREILING, SISTER MARY PO BOX 25 MARYLHURST, OR 97036
Use	IRRIGATION

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 October 26, 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	T-14328
Water Right	Cert: 97008 (T-13862)
County/Basin	Jackson / Rogue (15)
Applicant Name	SMITH, SHARON 8915 HARDY WAY GOLD HILL, OR 97525
Proposed Change	POINT OF DIVERSION
Sources/TRSQ40Q160	ROGUE RIVER > PACIFIC OCEAN / 36.00S 3.00W 13 SWNE
Use/Quantity	IRRIGATION / 0.342 CFS
Priority Date	10/28/1948

Transfer	T-14329
Water Right	Cert: 47289
County/Basin	Josephine / Rogue (15)
Applicant Name	MONTGOMERY, AMY H. 2792 RAINBOW GLEN ROAD FALLBROOK, CA 92028
Proposed Change	POINT OF DIVERSION
Sources/TRSQ40Q160	SPRS > MONTGOMERY CREEK / 38.00S 8.00W 22 NWSW
Use/Quantity	IRRIGATION AND DOMESTIC / 0.054 CFS
Priority Date	11/11/1908

Transfer Preliminary Determinations

A Preliminary Determination provides the Department's conclusion as to whether a proposed change in place of use, point of diversion or appropriation, or character of use of an existing water right should be approved. Changes of water rights may be proposed in an application for transfer (including instream, historic POD, exchange, substitution or ground water registration modification).

The Department has issued preliminary determinations on the transfer applications listed below. In addition to this notice, the Department is complying with ORS 540.520(2) that requires publication of notice in a local newspaper for all transfers except those proposing a change in place of use only or a change in point of diversion of less than ¼ mile where there are no intervening diversion points.

Any person may protest the application and preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-0900, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$950 protest fee for non-applicant and \$480.00 protest fee for applicant. Call (503) 986-0815 to obtain additional information. Protests must be received by the Department on or before October 26, 2023, 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-14170](#), filed by Bridge Creek Ranch LLC, 355 Goodpasture Island Rd., Eugene, OR 97401, proposes an additional point of diversion under Certificate 68553. The right allows the use of 330.0 acre-feet from Bridge Creek in Sec. 6, T11S, R21E, W.M. for storage in Secs. 25, 26 and 36, T10S, R20E, W.M. The applicant proposes an additional point of diversion in Sec. 31, T10S, R21E, W.M. The Water Resources Department proposes to approve the transfer, based on a Peremptory Writ of Mandamus citing facts and legal conclusions made in the Marion County Circuit Court's letter opinion entered on January 1, 2023.

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#	97364
App:	G-15661
County/Basin	Clackamas / Willamette (2)
Applicant Name	GILBERT, BRADLEY GILBERT, MARY
Priority Date	11/29/2001
Issue Date	09/22/2023
Cert#	97383
Xfer:	T-12420
County/Basin	Harney / Malheur Lake (12)
Applicant Name	GOLDEN RULE FARMS INC.
Priority Date	03/18/1968
Issue Date	09/22/2023
Cert#	97366
Xfer:	T-12496
County/Basin	Douglas / Umpqua (16)
Applicant Name	GUIDO LAND AND EQUIPMENT CO. LLC
Priority Date	03/24/1955
Issue Date	09/22/2023
Cert#	97367
Xfer:	T-12496
County/Basin	Douglas / Umpqua (16)
Applicant Name	GUIDO LAND AND EQUIPMENT CO. LLC
Priority Date	06/01/1976
Issue Date	09/22/2023
Cert#	97368
Xfer:	T-12496
County/Basin	Douglas / Umpqua (16)
Applicant Name	GUIDO LAND AND EQUIPMENT CO. LLC
Priority Date	05/01/1975
Issue Date	09/22/2023
Cert#	97369
Xfer:	T-12496
County/Basin	Douglas / Umpqua (16)
Applicant Name	GUIDO LAND AND EQUIPMENT CO. LLC
Priority Date	07/31/1980
Issue Date	09/22/2023
Cert#	97370
Xfer:	T-12496
County/Basin	Douglas / Umpqua (16)
Applicant Name	GUIDO LAND AND EQUIPMENT CO. LLC
Priority Date	09/26/1990
Issue Date	09/22/2023

Cert# [97365](#)
Xfer: T-12496
County/Basin Douglas / Umpqua (16)
Applicant Name GUIDO LAND AND EQUIPMENT CO. LLC
CALLAHAN RIDGE LLC
Priority Date 01/05/1966
Issue Date 09/22/2023

Cert# [97361](#)
Xfer: T-13448
County/Basin Yamhill / Willamette (2)
Applicant Name K A BERGER FARMS INC.
Priority Date 03/19/1951
Issue Date 09/22/2023

Cert# [97396](#)
App: G-18365
County/Basin Marion / Willamette (2)
Applicant Name MARS ENTERPRISES LLC
Priority Date 08/12/2016
Issue Date 09/22/2023

Cert# [97371](#)
Xfer: T-11254
County/Basin Umatilla / Umatilla (7)
Applicant Name STANFIELD HUTTERIAN FARM
Priority Date 02/25/1977
Issue Date 09/22/2023

Cert# [97358](#)
App: G-9275
County/Basin Coos / South Coast (17)
Applicant Name STODDARD, WILLIAM
STODDARD, LINDA
Priority Date 06/12/1979
Issue Date 09/22/2023

Cert# [97359](#)
App: S-54656
County/Basin Coos / South Coast (17)
Applicant Name STODDARD, WILLIAM
STODDARD, LINDA
Priority Date 08/12/1976
Issue Date 09/22/2023

Cert# [97360](#)
App: S-58413
County/Basin Coos / South Coast (17)
Applicant Name STODDARD, WILLIAM
STODDARD, LINDA
Priority Date 06/12/1979
Issue Date 09/22/2023

Application to Reauthorize A Minor Hydroelectric Project

The Oregon Water Resources Department seeks public comment on the following application to reauthorize minor hydroelectric project HE 571 in Lincoln County. Comments on the application and requests by interested parties who want to obtain future notices must be submitted within 45 days of publication of the notice. The application and supporting documents 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 application, please contact Martin Sanchez (971-375-6414)-or Martin.Sanchez@water.oregon.gov. A copying fee will be assessed as allowed in ORS Chapter 536.050(1)(e).

Application:	HE 571
Applicant:	Oregon Department of Fisheries and Wildlife
Project Address:	2040 SE Marine Science DR, Newport, OR 97365
Amount of water:	0.06 cubic feet per second (cfs)
Source of water:	Mill Creek Reservoir, tributary of Yaquina River
Point of Diversion:	SW ¼ NE ¼ Section 33, Township 11 South, Range 10 West, W.M.
Place of Use:	SW ¼ NE ¼ SECTION 33 TOWNSHIP 11 SOUTH, RANGE 10 WEST, W.M
Purpose:	Recharge batteries to operate Fish Trap for Juvenile Salmon
Power developed:	Up to 0.34 Theoretical horsepower

Comments and requests to obtain future notices are due by November 10, 2023

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

September 26, 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:

* 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.