

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
February 4, 2025

*This notice is also available on our web page at the following address:
http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21*

This publication lists agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests in this week's Public Notice include:

- * **Permit Application Initial Reviews, Proposed Final Orders, and Final Orders**
Applications for permits to use, store, divert or pump surface water or groundwater. Includes applications by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
- * **Alternate Reservoir Applications (ORS 537.409)**
Applications for storage permits for small ponds filed under a simplified review process.
- * **Expedited Secondary Applications to Use Stored Water**
Applications to use stored water exclusively, filed under a simplified review process.
- * **Applications for Extensions of Time to Perfect Water Right Permits**
New applications received and proposed final orders regarding requests to extend time limits to fully develop water use projects and beneficially apply water.
- * **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 Applications: District Temporary - ORS 540.570**
Petitions requesting temporary changes in water use within a district's boundary for one irrigation season.

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

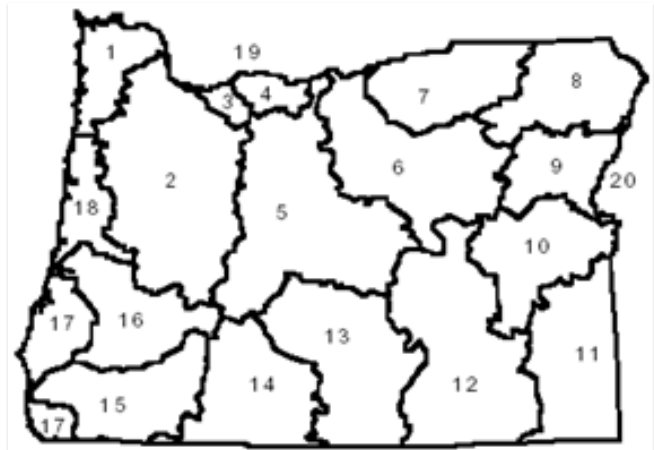
Unit of measure:

- 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, March 06, 2025.** 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, March 21, 2025.

The protest filing fee is \$480 for the applicants and \$950 for non-applicants. Detailed requirements for filing a protest are included in the PFO. Persons who support the PFO may file a "standing" fee of \$270 to retain the ability to participate in future proceedings relating to an application. Before participation in a hearing is allowed, an additional \$680 will be required to request to participate as a party or limited party.

If a protest or comment deadline falls on a day that the office is closed, then the next open business day automatically becomes the deadline date.

Initial Review and Proposed Final Orders

App#	G-18967
County/Basin	Clackamas / Willamette (2)
Applicant Name	HEYERLY BROTHERS C/O JEFF HEYERLY 31958 S PALMER RD MOLALLA, OR 97038
Sources/TRSQ40Q160	A WELL > BEAR CREEK / 5.00S 1.00E 12 NESE A WELL > KAISER CREEK / 5.00S 1.00E 12 NWSE
Use/Quantity	IRRIGATION / 1.630 CFS
Priority Date	05/01/2020
Stage/Status	PFO / PROPOSE TO DENY
App#	S-89861
County/Basin	Douglas / Umpqua (16)
Applicant Name	WARD, KENNETH PO BOX 103 DRAIN, OR 97435
Sources/TRSQ40Q160	A SPRING > FITCH CREEK / 21.00S 5.00W 30 SESE
Use/Quantity	HUMAN CONSUMPTION / 0.005 CFS
Priority Date	01/06/2025
Stage/Status	IR / PROPOSE TO DENY
App#	S-89862
County/Basin	Jackson / Rogue (15)
Applicant Name	PACIFICORP 825 NE MULTONOMAH ST SUITE 1800 PORTLAND, OR 97232
Sources/TRSQ40Q160	NORTH FORK ROGUE RIVER > ROGUE RIVER / 32.00S 3.00E 29 NWSW
Use/Quantity	HUMAN CONSUMPTION / 0.040 CFS
Priority Date	01/10/2025
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 503-986-0900.

App# [G-19033](#)
County/Basin Lane / Willamette (2)
Applicant Name CHEN, XING
26716 CANTRELL RD
EUGENE, OR 97402
Priority Date 09/29/2020
Issue Date 01/24/2025
Status WITHDRAWN

App# [R-89661](#)
County/Basin Yamhill / Willamette (2)
Applicant Name REX NURSERY LLC
ATTN IRVING VILLARREAL
17059 SE MALLARD LANE
DAYTON, OR 97114
Priority Date 07/24/2024
Issue Date 01/24/2025
Status APPROVED

App# [R-89662](#)
County/Basin Yamhill / Willamette (2)
Applicant Name NICOLAS-JAY ESTATE
ATTN: JAY BOBERG
11905 NE DUDLEY RD
NEWBERG, OR 97132
Priority Date 07/24/2024
Issue Date 01/24/2025
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 April 05, 2025.

App#	R-89865
County/Basin	Clackamas / Willamette (2)
Applicant Name	MT VIEW GOLF CLUB LLC ATTN: DAVID JARRETT 27195 SE KELSO RD BORING, OR 97009
Sources/TRSQ40Q160	RUNOFF > NORTH FORK DEEP CREEK / 2.00S 3.00E 1 SWNE
Use/Quantity	MULTIPLE PURPOSE / 1.200 AF
Priority Date	01/27/2025

App#	R-89866
County/Basin	Clackamas / Willamette (2)
Applicant Name	MT VIEW GOLF CLUB LLC ATTN DAVID JARRETT 27195 SE KELSO RD BORING, OR 97009
Sources/TRSQ40Q160	RUNOFF > NORTH FORK DEEP CREEK / 2.00S 3.00E 1 SWNE
Use/Quantity	MULTIPLE PURPOSE / 3.600 AF
Priority Date	01/27/2025

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 **March 06, 2025**. 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 redirection point(s).

App#	S-89867
County/Basin	Marion / Willamette (2)
Applicant Name	THE NURSERY OUTLET C/O SERGEI OVCHINNIKOV 17126 EDWIN RD NE WOODBURN, OR 97071
Sources/TRSQ40Q160	A RESERVOIR > MILL CREEK / 5.00S 1.00W 6 SENW
Use/Quantity	NURSERY USES / 3.700 AF
Priority Date	01/29/2025

**Applications for Extensions of Time
to Perfect Water Right Permits filed pursuant to OAR 690-315**

Consistent with OAR 690-315-0050, the Department will accept public comment on the following extension applications until March 06, 2025. Following the comment period, the Department will prepare and issue a proposed final order. Individuals who would like a copy of the proposed final order may request copies by sending a request and \$35 (the charge required by law). Please indicate the file number. Copies of the proposed final order may be viewed at the Department and/or self-copied. Individuals wishing to obtain a copy of the extension application should contact the Department by phone or in person.

App#	S-88116
Permit Number	S-55127
County/Basin	Umatilla / Umatilla (7)
Applicant Name	COLD SPRINGS CANYON LLC ROYALE COLUMBIA FARMS INC. HAWMAN FARMS JB LAND LLC 31056 E WALLS RD HERMISTON, OR 97838
	NORTHWEST FARM CREDIT SERVICES FLCA 12 SW NYE AVE PENDLETON, OR 97801
Sources/TRSQ40Q160	COLUMBIA RIVER > PACIFIC OCEAN / 5.00N 30.00E 7 SESW COLUMBIA RIVER > PACIFIC OCEAN / 5.00N 30.00E 8 SWNW COLUMBIA RIVER > PACIFIC OCEAN / 5.00N 30.00E 8 NENW
Use/Quantity	IRRIGATION / 22.9998 CFS
Proposed Completion Date	10/01/2030

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 February 18, 2025, 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-1997
County/Basin	Umatilla / Umatilla (7)
Applicant Name	MADISON RANCHES INC. MADISON, JAKE 29299 MADISON RD ECHO, OR 97826
Sources/TRSQ40Q160	BUTTER CREEK > UMATILLA RIVER / 2.00N 27.00E 1 NWNW BUTTER CREEK > UMATILLA RIVER / 3.00N 27.00E 25 SENE
Use/Quantity	GROUND WATER RECHARGE / 25.00 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 February 25, 2025. 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-2070
Certificate	93953 (T-12250)
Lessor	LULAY, ADAM 9030 FORT HILL RD WILLAMINA, OR 97396
Lessor	LULAY, MEGAN 9030 FORT HILL RD WILLAMINA, OR 97396
Priority Date	06/25/1971
Source/Tributary To	SOUTH YAMHILL RIVER / YAMHILL 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 March 06, 2025. 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-14595](#)
Water Right Cert: 7547, 76595 CR
County/Basin Wasco / Hood (4)
Applicant Name CARVER FAMILY RANCHES, LLC
91443 HINTON RD
MAUPIN, OR 97037
Proposed Change PLACE OF USE
Sources/TRSQ40Q160 EIGHTMILE CREEK > FIFTEENMILE CREEK /
SPRINGS AND GULCH > TAMARACK CREEK /
TAMARACK CREEK > EIGHTMILE CREEK /
UNNAMED STREAM > TAMARACK CREEK / 2.00S 11.00E 11 SWSE
Use/Quantity IRRIGATION / 1.6710 CFS
IRRIGATION / 0.250 CFS
Priority Date 01/15/1926, 05/03/1909

Transfer [T-14596](#)
Water Right Cert: 67304
County/Basin Wasco / Hood (4)
Applicant Name LEON, DIEGO
1275 DRY CREEK RD
MOSIER, OR 97040
Proposed Change ADDITIONAL POINT OF APPROPRIATION
Sources/TRSQ40Q160 A WELL > MOSIER CREEK / 2.00N 12.00E 7 NWSE
Use/Quantity IRRIGATION / 0.235 CFS
Priority Date 03/25/1947

Transfer [T-14597](#)
Water Right Cert: 51229
County/Basin Deschutes / Deschutes (5)
Applicant Name BAILEY, JOSH
NORTH UNIT IRRIGATION DISTRICT
2024 NW BEECH ST
MADRAS, OR 97741
Proposed Change USE
Sources/TRSQ40Q160 DESCHUTES RIVER > COLUMBIA RIVER / 22.00S 9.00E 7 SWNE
Use/Quantity STORAGE / 200000.000 AF
Priority Date 02/28/1913

Transfer	T-14598
Water Right	Cert: 26377
County/Basin	Marion / Willamette (2)
Applicant Name	WOODBURN ORGANIC FARMS LLC 2229 SAN FELIPE ST SUITE 1150 HOUSTON, TX 77019
Proposed Change	ADDITIONAL POINT OF APPROPRIATION
Sources/TRSQ40Q160	A WELL > PUDDING RIVER / 5.00S 1.00W 16 NWNW
Use/Quantity	IRRIGATION / 0.270 CFS
Priority Date	03/27/1956

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 March 06, 2025, 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-14394](#) filed by City of Junction City, Attn: Gary Kaping, 1171 Elm St, Junction City, OR 97448, proposes an additional point of appropriation under Certificates 46412 and 65071. Certificate 46412 allows the use of 1.11 cubic feet per second (cfs) from a well in Sec. 32, T15S, R4W, WM for municipal use in Sects. 29, 31 and 32, T15S, R4W, WM; and Sects. 5 and 6, T16S, R4W, WM. Certificate 65071 allows the use of 0.92 cfs from a well in Sec. 32, T15S, R4W, WM for municipal use in Sects. 31 and 32, T15S, R4W, WM; and Sec. 5, T16S, R4W, WM. The applicant proposes an additional point of appropriation in Sec. 5, T16S, R4W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

[T-14189](#) filed by Bruce Ernst, PO Box 460, Saint Paul, OR 97137, proposes additional points of appropriation under Certificate 96789. The right allows the use of 1.78 cubic feet per second from Well 1 and Well 2 in Sec. 4, T4S, R2W, WM for nursery uses in Sects. 4 and 9, T4S, R2W, WM. The applicant proposes additional points of appropriation in Sects. 4 and 9, T4S, R2W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

[T-13542](#) filed by MF Beef Bend, LLC, Attn: John O'Neil, 17933 NW Evergreen Parkway, Suite 300, Beaverton, OR 97006, proposes an additional point of appropriation, a change in place of use, and a change in character of use under Certificate 51171. The right allows the use of 0.10 cubic foot per second from a well in Sec. 18, T2S, R1W, WM for irrigation in Sec. 18, T2S, R1W, WM. The applicant proposes an additional point of appropriation in Sec. 18, T2S, R1W, WM, to change the place of use within Sec. 18, T2S, R1W, WM., and to change the character of use to nursery and commercial use. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

[T-14106](#) filed by Fred Ronald Barnes and Dawn Catherine Barnes, 3875 Lower Klamath Lake Rd, Klamath Falls, OR 97603 and U.S. Fish and Wildlife Service, 1936 California Ave, Klamath Falls, OR 97601, proposes an additional point of appropriation under Certificate 96379. The right allows the use of 0.89 cubic foot per second from a well in Sec. 34, T40S, R9E, WM for industrial use (aquaculture and geothermal heating) in Sects. 27 and 34, T40S, R9E, WM. The applicant proposes an additional point of appropriation in Sec. 27, T40S, R9E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

[T-13856](#) filed by Michael J. Plechaty & Joyce Y. Plechaty Revocable Trust, 12964 Dumilieu Rd. Lakeview, OR 97630, proposes a change in places of use under Certificates 58072 and 58074. Certificate 58072 allows the use of 0.097 cubic foot per second (cfs) from a well in Sec. 13, T41S, R18E, WM for irrigation in Sects. 12, 13, and 14, T41S, R18E, WM. The applicant proposes to change the place of use to Sec. 12, T41S, R18E, WM; Certificate 58074 allows the use of 0.19 cfs from a well in Sec. 13, T41S, R18E, WM for irrigation in Sects. 12 and 13, T41S, R18E, WM and Sec. 7, T41S, R19E, WM. The applicant proposes to change the place of use to Sec. 12, T41S, R18E, WM and Sec. 7, T41S, R19E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

[T-14227](#) filed by James and Sue Gilmour, 30427 Stellmacher DR, Albany, OR 97320, proposes a change in places of use under Certificates 91034 and 96822. Certificate 91034 allows the use of 0.416 cubic foot per second (cfs) from a well in Sec. 5, T27S, R34E, WM for irrigation within Sec. 5, T27S, R34E, WM. The applicant proposes to change the place of use to Sects. 5 and 6, T27S, R34E, WM. Certificate 96822 allows the use of 0.15 cfs from a well in Sec. 5, T27S, R34E, WM for irrigation in Sec. 5, T37S, R34E, WM. The applicant proposes to change the place of use to Sects. 5 and 6, T27S, R34E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

[T-14249](#) filed by David and Kaitlyn Braun, 35642 Tennessee Rd. SE, Albany, OR 97322, proposes a place of use change under Registration Application GR-1927 (Certificate of Registration GR 1855). The registration allows the use of 57.47 gallons per minute from pump well #1 in Sec. 35, T11S, R2W, WM for irrigation in Sects. 26 and 35. The applicant proposes to change the place of use within Sects. 26 and 35, T11S, R2W, WM. The Water Resources Department proposes to approve the modification, based on the requirements of ORS Chapter 540 and OAR 690-382-1000.

[T-13406](#) filed by Russell Young, PO Box 171, Canyon City, OR 97820, proposes changes in points of diversion under Certificates 80557, 94172, and 94174, and changes in places of use under Certificates 44294, 65094, 80557, 94172, and 94173. Certificate 44294 allows the use of 1.428 cubic feet per second (cfs) from Mark Reeves Creek in Sec. 12, T13S, R27E, WM for irrigation in Sec. 12, T13S, R27E, WM. The applicant proposes to change the place of use within Sec. 12, T13S, R27E, WM. Certificate 65094 allows the use of 0.38 cfs from Marks Creek in Sec. 12, T13S, R27E, WM for irrigation in Sec. 12, T13S, R27E, WM. The applicant proposes to change the place of use within Sec. 12, T13S, R27E, WM. Certificate 80557 allows the use of 2.78 cfs from John Day River in Sec. 12, T13S, R27E, WM, and Sec. 18, T13S, R28E, WM for irrigation and supplemental irrigation in Sec. 12, T13S, R27E, WM. The applicant proposes to move the points of diversion to Sec. 12, T13S, R27E, WM and to change the place of use within Sec. 12, T13S, R27E, WM. Certificate 94172 allows the use of 1.31 cfs from John Day River in Sec. 12, T13S, R27E, WM for irrigation in Sec. 12, T13S, R27E, WM. The applicant proposes to move the point of diversion within Sec. 12, T13S, R27E, WM and to change the place of use within Sec. 12, T13S, R27E, WM. Certificate 94173 allows the use of 0.08 cfs from John Day River in Sec. 12, T13S, R27E, WM for irrigation in Sec. 12, T13S, R27E, WM. The applicant proposes to change the place of use within Sec. 12, T13S, R27E, WM. Certificate 94174 allows the use of 1.36 cfs from John Day River in Sec. 12, T13S, R27E, WM, and Sec. 18, T13S, R28E, WM for irrigation in Sec. 11, T13S, R27E, WM. The applicant proposes to move the point of diversion within Sec. 12, T13S, R27E, WM. The Water Resources Department proposes to approve the transfer, based on requirements of ORS Chapter 540 and OAR 690-380-5000.

The applicant proposes to move the point of diversion for Certificate 94172 approximately 30 feet upstream on the John Day River in Sec. 12, T13S, R27E, WM. The Water Resources Department determined that the transfer would injure instream water right Certificate 59787. The Oregon Department of Fish and Wildlife (ODFW) concluded that the transfer would result in net benefits to the resource if conditioned as follows:

1. ODFW recommends the transfer applicant (permittee) comply with terms of the associated Mitigation Plan to minimize detrimental impacts to fish, wildlife, and/or their habitat. ODFW understands that the mitigation and following conditions will be fully incorporated into the requirements of the new certificate and may only be altered by written mutual agreement of all parties. ODFW recommends:
 - a. Regulation of the use and/or cancellation of the certificate if the required mitigation is not maintained.
2. This recommendation to consent to injury is contingent upon:
 - a. abandonment of POD 4 and POD 5, including any channel restoration necessary under OAR 635-412-0035(8).

- b. Requirements for artificial obstruction removal are:
- i. Artificial obstruction removals shall follow the requirements of OAR 635-412-0035(10);
 - ii. If not completely removed, no parts of the remaining artificial obstruction shall:
 1. Constrict the stream channel; or
 2. Cause low flow depths less than the surrounding stream channel.
 - iii. After an artificial obstruction is removed the stream channel shall be restored; and
 - iv. The stream channel restoration shall address impacts to stream habitat caused by the artificial obstruction while in place and by its removal, including but not limited to upstream and downstream channel degradation, and provisions shall be made to address unexpected fish passage issues resulting from removal.
3. The permittee shall install, maintain, and operate fish screening on the new point of diversion consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional, and approved in writing by ODFW **prior to diversion** of water. The permittee is hereby directed to contact the ODFW Fish Screening Coordinator prior to diversion of water.
4. If the riparian area is disturbed in the process of *developing the new point of diversion*, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. Prior to development of the new point of diversion, the permittee shall submit, to the Oregon Water Resources Department, a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee shall maintain the riparian area for the life of the permit and subsequent certificate per the approved Riparian Mitigation Plan. If ODFW determines the riparian area is not being maintained and is unsuccessful in working with the water user to fulfill the obligation, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the mitigation is sufficient. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to development of the new point of diversion.
5. Construction must occur during the established in-water work period (July 15 - September 30) unless otherwise approved by ODFW.
6. Site-specific conditions: The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage without obtaining approval from the Oregon Department of Fish and Wildlife (ODFW). The permittee is hereby directed to contact an ODFW Fish Passage Coordinator prior to any modifications to the existing diversion structure. Any modification has the potential be a fish passage trigger and may require new fish passage approval.

Copies of the OWRD's Preliminary Determination proposing denial of the transfer and ODFW's recommendations are available for viewing at the Salem office of the Water Resources Department. Any person may review the recommendation and submit written comments or may submit a written request for a public meeting to review the recommendation. The comments or request for a meeting must be received by OWRD on or before March 6, 2025.

OWRD will provide copies of any comments submitted in response to this notice to ODFW. If a meeting is requested, OWRD will schedule a joint public meeting with ODFW to review the recommendation.

To review the recommendation, contact Dante Luongo at 971-304-5006 or e-mail dante.j.luongo@water.oregon.gov. Written comments and requests for a public meeting should be mailed to Attn: Dante Luongo, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1266 or faxed to 503-986-0901.

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 March 06, 2025.**

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

Transfer	T-14599
County	Morrow
Certificate	94872
Priority Date	02/07/1974
Name	Columbia Improvement District
Address	501 Columbia Ave NE Boardman, OR 97818
Use	IRRIGATION
Source	COLUMBIA R > PACIFIC OCEAN

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

February 4, 2025

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.