# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A Salem OR 97301

#### PUBLIC NOTICE OF WATER USE REQUESTS August 27, 2013

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.
- \* 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: Temporary Transfers

Requests to temporarily change place of use and, if necessary to convey the water to the new place of use, to temporarily change the point of diversion or appropriation.

\* Transfer Applications: Permit Amendments

Requests to amend permits.

\* District Permanent Transfers (ORS 540.580)

Petitions requesting transfers in place of use within a district's boundaries.

The Public Notice is published each week on the Department's web site at http://www.wrd.state.or.us/If you would like to receive a <i>free</i> weekly notification when it is published, please send your request to 'Codi.N.Holmes@wrd.state.or.us'.

## Permit Application Initial Reviews and Proposed Final Orders

The following pages of this notice list permit applications that the Oregon Water Resources Department is evaluating for compliance with state water laws and regulations. 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 by implementing a mitigation project or by obtaining mitigation credits made available by a completed mitigation project. Surface water and/or reservoir permit applications in the Deschutes Basin may be proposed ground water mitigation projects.

#### <u>Initial Review Stage (IR in the "Stage" column of the permit listing)</u>

The Department has given the applicant the results of an initial review of water use restrictions, water availability and other limits 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, September 26, 2013. Although we cannot respond individually to all comments, each will be considered as the agency makes its permit decision.

#### Proposed Final Order Stage (PFO in the "Stage" column of the permit listing)

The proposed final order is the Department's preliminary decision on the water use request. It will indicate how the comments received on the application in the first stage were considered. The PFO documents the agency's decision through specific findings. 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 \$25. (Any person paying \$25 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 district watermaster office nearest the proposed use. 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, October 11, 2013.

The protest filing fee is \$350 for the applicants and \$700 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$200 to retain the ability to participate in future proceedings relating to an application. Before participation is allowed, an additional \$500 will be required at the time of the proceeding.

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.

# **How to Read the Listing**

Applications on the next page are sorted by application number in the following format:

App#	Basin	Source	Township/Range	County	Priority	Quantity	Stage Status
G-1569	•	JOHN PO BOX 123 EUGENE OR 97123 A WELL > SPRING CR	16.00S 03.00W 19 NESW	Lane	01/29/2002	0.3700 C	IR 3

#### FIRST LINE:

\* Application number:

G: groundwater

R: reservoir

S: surface water

I: instream

Applicant name & address

\* Stage of review:

IR: Initial Review

PFO: Proposed Final Order

Decision status codes

1: permit may be issued as requested

2: permit may be issued with conditions

3: permit unlikely to be issued

#### SECOND LINE:

\* Basin number (see map below right)

\* Source > what it flows into

(in the case of wells, this describes the basin in which the well is located)

\* General legal description

\* County & Priority date

\* Amount

\* Unit of measure:

C: cubic feet per second

G: gallons per minute

A: acre-feet

#### THIRD LINE:

\* Type of use (see abbreviations below)

#### **BASINS:**

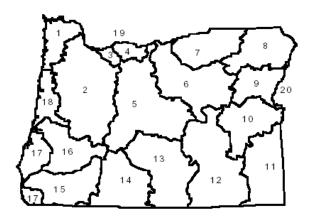
- 1. North Coast
- 2. Willamette
- 3. Sandy
- 4. Hood
- 5. Deschutes
- 6. John Day
- 7. Umatilla
- 8. Grande Ronde
- 9. Powder
- 10. Malheur

#### 11. Owyhee

- 12. Malheur L.
- 13. Goose/Summer L.
- 14. Klamath
- 15. Rogue
- 16. Umpqua
- 17. S. Coast
- 18. Mid-Coast
- 19. Columbia
- 20. Snake

#### Commonly used "Type of Use" abbreviations (for definitions, consult Oregon Administrative Rules 690-300):

AG:	Agriculture	GR:	Groundwater recharge	MU:	Municipal
CF,CH,CL, CR: Cranberry uses		GT:	Geothermal	NU:	Nursery use
CM:	Commercial	IC:	Irrigation, primary &	PA:	Pollution abatement
CS:	Campground		supplemental	PW:	Power
DI, DN	I:Domestic including	ID:	Irrigation with domestic	QM:	Quasi-municipal
	non-commercial lawn & garden	IL:	Irrigation with livestock	RC:	Recreation
DO:	Domestic	IM:	Industrial or manufacturing	RW:	Road construction
DS:	Domestic & stock	IR:	Irrigation	ST:	Storage
FI:	Fish	IS:	Irrigation, supplemental	SW:	Swimming
FP:	Fire protection	LV:	Livestock	TC:	Temperature control
FW:	Fish & wildlife	LW:	Livestock & wildlife	WI:	Wildlife
GD:	Group domestic	MI:	Mining		



App#	Basin	Source	Township/Range	County	Priority	Quantity Stage Status
G-17627	1	CARLSON, CAROLYN M. 65201 HWY 205 BUR	NS, OR 97720			PFO 2
	12	A WELL > SAGE HEN CREEK A WELL > SAGE HEN CREEK	24.00s 31.00E 33 NESW 24.00s 31.00E 33 NWSE	Harney	02/07/2013 02/07/2013	1.0C (est) 1.0C (est)
Uses:		A WELL > SAGE HEN CREEK	24.00S 31.00E 33 NWSE	Harney	02/07/2013	1.0C (est)

# **Final Orders - Permit & License Applications**

Following is a list of applications that have had final orders issued recently. If you would like a copy of any of the final orders, you may send a request with \$25.00 for each final order to the Water Rights Section, Oregon Water Resources Department, 725 Summer Street NE Ste A, Salem OR 97301. If you have any questions, please contact the Department's customer service staff by dialing 503-986-0801.

Application Basin County Priority		nty Priority	Company	Name	FO Date	
LL-1490	13 LAKE	08/13/2013	DOUBLE J RANCH LLC		08/15/2013	
<u>S-87538</u>	2 LANE	10/15/2009	WHITEWATER RANCH LLC		08/23/2013	
S-87539	2 LANE	10/15/2009	WHITEWATER RANCH LLC		08/23/2013	

# 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 September 26, 2013. 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 \$25 (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.

Extension file information is included in the following format:

- (a) Application Number;
- (b) Permit number;
- (c) Applicant name and address;
- (d) County of application;
- (e) Common name of water source(s) listed in the permit;
- (f) Amount of water use permitted in gallons per minute (gpm), cubic feet per second (cfs) or acre feet (af) of storage;
- (g) Use allowed in the permit;
- (h) Proposed extended date of completion as requested by the extension applicant;

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Application Number: S-86245
Permit Number: S-54489
PADRE PROPERTIES LLC PO BOX 1032 HUGHSON, CA 98326
Josephine County
APPLEGATE RESERVOIR > APPLEGATE RIVER
111.0 AF PER YEAR
IRRIGATION USE ON 37.0 ACRES
October 1, 2015
Application Number: G-16981
Permit Number: G-16397
LYNCH, MICHAEL 2600 COTTONWOOD RD WALLA WALLA, WA 99362
Umatilla County
A WELL > COTTONWOOD CREEK
1.65 CFS
IRRIGATION USE ON 132.1 ACRES
October 1, 2014
Application Number: G-14031
Permit Number: G-12506
THOMPSON, BRIAN S. AND SUSAN J. 55805 HWY 74 HEPPNER, OR 97836
Morrow County
FOUR WELLS > WILLOW CREEK
2.28 CFS
IRRIGATION USE ON 182.8 ACRES
October 1, 2015
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# **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 \$25. (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 district watermaster office.

#### **Extension of Time Public Notice and Comment Procedures**

Written comments on or written protests against a PFO must be submitted on or before October 11, 2013. There is no fee for submission of comments. The protest filing fee is \$350 for the applicant and \$700 for nonapplicants. Detailed requirements for filing a protest will be sent with copies of the PFO.

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

County of Use: Crook Application File Number: G-12442 Permit Number: G-11277

Applicant: HULL, TEDDY G

27195 OLD RIVER RD CORVALLIS, OR 97333 Address:

River Basin: Deschutes Basin

Water Source: WELL A AND B > DRY RIVER

Authorized Use of Water: SUPPLEMENTAL IRRIGATION ON 260.0 Acres

Maximum Diversion/

Appropriation Rate: 3 24 CES

Recommendation: The department proposes to grant an extension of time to apply water to full beneficial use from October 1, 2010 to October 1, 2015.

County of Use: Lake Application File Number: G-11640 Permit Number: G-11024

Applicant: MACDONALD, THOMAS A.

PO BOX 87 SUMMER LAKE, OR 97640 Address:

River Basin: Goose & Summer Lake Basin Water Source: EIGHT WELLS > ANA RIVER Water Source: EIGHT WELLS
Authorized Use of Water: FISH CULTURE

IRRIGATION ON 50.10 Acres

SUPPLEMENTAL IRRIGATION ON 569.60 Acres

Maximum Diversion/

Appropriation Rate: 17.8 CFS, being 7.73 CFS FOR IRRIGATION

Recommendation: The department proposes to grant an extension of time for complete construction for the water system and to apply water to full beneficial use from October 1, 2012 to October 1, 2014.

## **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 September 10, 2013, 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.

#### **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 September 17, 2013. 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 Joan Smith 503-986-0898 or Joan.M.SMITH@wrd.state.or.us

County: Deschutes Instream Lease Number: IL 1299

\*\* Lessor \*\*
BUTTERFIELD, SUZANNE
SWALLEY IRRIGATION DISTRICT
64672 COOK AVE SUITE 1
BEND, OR 97701

\*\* Lessee \*\*
DESCHUTES RIVER CONSERVANCY
700 NW HILL ST
BEND, OR 97701

Reach: FROM THE SWALLEY MAIN CANAL TO THE MOUTH OF THE DESCHUTES RIVER

Cert# Priority Dutv(acf) Source Tributary to Permit Use Rate(cfs) Acres Cert:74145 CF RR \* 9/1/1899 IR 0.24 81.28 DESCHUTES R COLUMBIA R 12.29 1.98 РM 0.006 0.3

# **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 (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

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 September 26, 2013. 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.

County: MARION Transfer: 11651

Water Right: CERT 88043 Priority Date: MARCH 12, 1982 DALE FESSLER Name:

> 12666 MONITOR MCKEE RD WOODBURN, OR 97021

Change: additional point of appropriation

Source: A WELL

County: UMATILLA
Transfer: 11652
Water Right: CERT 28605; 40813
Priority Date: AUGUST 25, 1958; APRIL 10, 1968

JAMES VANDERSLOOT Name:

> 84733 TELEPHONE POLE RD MILTON-FREEWATER, OR 97204

Change: point of appropriation

Source: A WELL

## **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 \$700 protest fee for non-applicant and \$350.00 protest fee for applicant. A Water Right Transfer Protest Form is available at <a href="http://www.oregon.gov/OWRD/PUBS/forms.shtml">http://www.oregon.gov/OWRD/PUBS/forms.shtml</a> or by calling 503-986-0888. Protests must be received by the Department on or before September 26, 2013, 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-11375 filed by Jacox Ranches, Oreg., Ltd, 1945 Morning Grove Ct., Reno, NV 89523, proposes place of use and character of use changes under Certificates 10900, 10901, 42822, and 8679. Certificates 10900, 10901, and 42822 allow the use of up to 18.46 Cubic Feet per Second (CFS) from Sevenmile Creek in Sec. 11, 13 and 24, T33S, R6E, W.M. for irrigation in Sec. 13 and 24, T33S, R6E, and in Section 18, T33S, R7.5E, W.M. Certificate 8679 allows the use of up to 1.19 CFS from Blue Springs in Sec. 24, T33S, R6E, W.M. for supplemental irrigation in Sec. 24. The applicant proposes to create an instream use in Sevenmile Creek and Blue Springs from the points of diversion to the mouth of Sevenmile Creek at a maximum of 13.9 cfs. The applicant has been amended to clarify the number of acres proposed for transfer. The applicant has also submitted affidavits to cancel portions of several layered rights. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540, OAR 690-380-5000 and OAR 690-077-0075.

# **Transfer Applications: Temporary Transfer**

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation. The Department shall approve the request provided it does not cause injury to existing water rights or expand the water use. If after the change is approved, it is found to cause injury, the approved change may be revoked. The use of water reverts to the authorized place of use upon expiration of the temporary change.

Notice is given that the following applications for Temporary Transfers have been received by the Department:

County: LAKE
Transfer: 11654
Water Right: CERT 88583; 88584

Priority Date: MAY 24, 2001; NOVEMBER 30, 1998

J R SIMPLOT SELF DECLARATION REVOCABLE TRUST Name:

J R. SIMPLOT

PO BOX 27

BOISE, ID 83707

additional point of appropriation; place of use

Change: Source: A WELL

# **Transfer Applications: Permit Amendments**

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU) 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.

County: DESCHUTES
Transfer: 11650
Water Right: CERT G 13249 Transfer: DESCHUTES

Priority Date: NOVEMBER 12, 1987, DECEMBER 8, 1992

Name: SUNRIVER WATER LLC

PO BOX 3699

SUNRIVER, OR 97707

Change: Source: additional point of appropriation; place of use

A WELL

County: UMATILLA
Transfer: 11653
Water Right: CERT G 16859
Priority Date: JANUARY 12, 2011 ATILLA KOPPANY Name: 80014 RIKER LANE

HERMISTON, OR 97838

additional point of appropriation Change:

Source: A WELL

## **District Permanent Transfers (ORS 540.580)**

A district may request to permanently change the place of use within district boundaries. A district may provide notice to the Department of a change before it is made, and shall submit a district permanent application prior to the end of the calendar year in which the change occurs. The Department shall approve the transfer application provided it does not cause injury to existing water rights or expand the water use. The final order approving the permanent transfer is subject to protest.

This public notice also includes district notices of proposed changes. The Department will accept comments on injury and enlargement of changes in place of use associated with the notice and use those comments in the review of the proposed change.

The Department seeks public comment on recently filed district transfer applications listed below. The deadline for comments or protests to the transfer application must be received by the Department on or before September 26, 2013. The Department will hold a contested case hearing if: 1) a protest and \$700 protest fee for non-applicant and \$350.00 protest fee for applicant are received within the time allowed; or 2) the Department finds a hearing is needed to determine whether the proposed changes would result in injury to existing rights. (If a water user believes that a proposed change could injure a water delivery within a district's boundaries, the matter will be resolved directly between the district and the water user.)

Notice of District

County: HOOD RIVER Permanent Transfer: NOTICE #2013-05

Certificate: 81340 1895 Priority Date:

Name:
Address: EAST FORK IKKIGATION 2-1 PO BOX 162 ODELL OR 97044 POU EAST FORK IRRIGATION DISTRICT

EAST FORK HOOD RIVER

1.0 Acres:

Authorized POU: T2N R10E SEC 26 Proposed POU: T2N R11E SEC 30

Notice of District

County: HOOD RIVER Permanent Transfer: NOTICE #2013-06

Certificate: 81340 Priority Date: 1895

EAST FORK IRRIGATION DIST PO BOX 162 ODELL OR 97044 POU EAST FORK HOOD RIVER 1.0 Name: EAST FORK IRRIGATION DISTRICT Address:

Change:

Source:

Acres: 1.0

Authorized POU: T1N R10E SEC 03 Proposed POU: T1N R10E SEC 03

# **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.

If under the file number the "App:" abbreviation for application is provided then any person owning an application, permit or water right certificate subsequent in priority to a certificate listed here may file a protest within three months of issuance of the certificate. See Oregon Revised Statutes 537.260. Rules governing protests are in Oregon Administrative Rules Chapter 690 division 002. Any protest must be accompanied by a protest fee of \$700. (ORS 536.050(1)(j)(A)).

File Number	Basin Number	County	Priority Date	Issue Date	Name
Xfer: T 8327 Cert#-882	3 <u>7</u> 15	JACK	03/13/1920	08/23/2013	BUXBAUM, WILLIAM SCHNEIDER, MICHAEL SCHNEIDER, LIVIJA
Xfer: T 8327 Cert#-882	3 <u>6</u> 15	JACK	08/16/1977	08/23/2013	SCHNEIDER, LIVIJA BUXBAUM, WILLIAM SCHNEIDER, MICHAEL
Xfer: T 8327 Cert#-882	<u>38</u> 15	JACK	07/23/1981	08/23/2013	SCHNEIDER, MICHAEL SCHNEIDER, LIVIJA BUXBAUM, WILLIAM

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A Salem OR 97301

#### PUBLIC NOTICE OF WATER USE REQUESTS

August 27, 2013

Use the back of 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: <a href="http://apps.wrd.state.or.us/apps/wr/wrinfo/">http://apps.wrd.state.or.us/apps/wr/wrinfo/</a>, 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	Mail me the order		
(e.g. "Permit Application G-12345" or "Transfer T-1234"):	(payment enclosed)		
	[ ]		
	[ ]		
	[ ]		
Your Name, Address, and Phone Number:			
	<del></del>		

<sup>\*</sup> We are required by law to charge a fee of \$25 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 \$25 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 or at the local watermaster office or online.)