# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A Salem OR 97301

### PUBLIC NOTICE OF WATER USE REQUESTS October 22, 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.
- \* **District Permanent Transfers (ORS 540.580)**Petitions requesting transfers in place of use within a district's boundaries.
- \* Notice of Proposed Orders for Amendments of Hydroelectric Water Right Certificate

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 *free* 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, November 21, 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, December 06, 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. In addition to the usual state or federal office closures, the Oregon Water Resources Department headquarters office will be closed on the following days: March 23, 2012, May 25, 2012, August 17, 2012, October 19, 2012, November 23, 2012, January 18, 2013, April 19, 2013 and May 24, 2013.

# **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:**

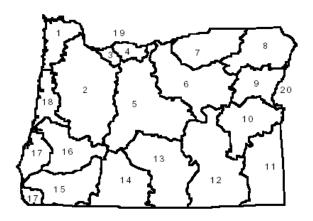
- 1. North Coast
- 2. Willamette
- 3. Sandy
- 4. Hood
- 5. Deschutes
- 6. John Day
- 7. Umatilla
- 8. Grande Ronde
- 9. Powder
- 10. Malheur

### 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,CF	I,CL, CR: Cranberry uses	GT:	Geothermal	NU:	Nursery use
CM:	Commercial	IC:	Irrigation, primary &	PA:	Pollution abatement
CS:	Campground		supplemental	PW:	Power
DI, DN	V: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# Basi	n Source	Township/Range	County	Priority	Quantity Sta	ige Stat	cus
R-87871	EAST VALLEY WATER DISTRICT PO BOX 1046	MOUNT ANGEL, OR 97362				IR	2
2 Uses: ST	DRIFT CREEK > PUDDING RIVER	7.00S 1.00W 36 NENW	Marion	02/21/2013	12000.0A		
<u>G-17576</u>	CHINICK, STEPHEN 3775 NW HILTON HEAD	TERRACE PORTLAND, OR 972	29			PFO	2
2 Uses: NU	A WELL > STOREY CREEK	1.00N 2.00W 9 NESW	Washingto	n 08/24/2012	0.11C		

# **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	n Basi	in Coun	nty Priority	Company	Name	FO Date
R-87845	2	CLAC	10/23/2012		RONALD BERRETT	10/17/2013
<u>R-87862</u>	2	CLAC	02/04/2013		CONNER VOSS	10/18/2013
<u>R-87863</u>	7	UMAT	01/30/2013		ALFRED KUBE	10/18/2013
<u>R-87884</u>	2	POLK	04/04/2013		DANIEL BATTAGLIA	10/18/2013
R-87901	2	CLAC	05/22/2013		JOHN REGER	10/18/2013
R-87903	2	COLU	06/04/2013	ROUND LAKE LLC	ATTENTION JACK ZA	10/18/2013
R-87904	2	COLU	06/04/2013		GRAHAM PETERS	10/18/2013
LL-1501	1	COLU	09/25/2013	EEVIN INVESTMENT CO; TEEVIN TERMINAL LLC; TEEVIN		10/21/2013

# 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 November 21, 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: G-14459
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Permit Number: G-13434
BUCHHOLTZ, TOM AND BARBARA 19564 HAINES RD SCOTTS MILLS, OR 97375
Marion County
A WELL > ALDER CREEK
0.1 CFS
IRRIGATION
October 1, 2015

### Application Number: G-16950

Permit Number: G-16414
CITY OF HARRISBURG PO BOX 378 HARRISBURG, OR 97446
Linn County
A WELL > WILLAMETTE RIVER
0.408 CFS
MUNICIPAL USES
October 1, 2027

# **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 November 05, 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.

LL-1502
CENTRAL OREGON IRRIGATION DISTRICT 1055 SW LAKE COURT REDMOND, OR 97756
POD: 1 CRANE PRAIRIE RES > DESCHUTES R
SW 1/4 NW 1/4 Section 16T 21.00S R 8.00E WM
Deschutes County
450.0 AFT for 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 (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 November 21, 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: HARNEY Transfer: 11671 Water Right: CERT 72361

Priority Date: JANUARY 23, 1991

TRAVIS SINGHOSE Name:

29327 WEAVER SPRINGS LANE BURNS, OR 97720

29327 WEAVER SPRINGS LA point of appropriation Change:

Source: WELL 1

County: Transfer: County: DESCHUTES 11672

Transfer: 11672 Water Right: CERT 88802; 88801

Priority Date: AUGUST 28, 1972; SEPTEMBER 5, 1967

Name:
Change:
Source: SUNRIVER WATER LLC

PO BOX 3699 SUNRIVER, OR 97707

additional point of appropriation; place of use

A WELL

County: BAKER Transfer: Water Right: 11674

CERT 74005; 74008; 74009

Priority Date: JUNE 18, 1917; NOVEMBER 16, 1917;

OCTOBER 4, 1933 AND OCTOBER 30, 1933

Name: SHERWIN KOEHN

27239 MIDDLE BRIDGE LANE BAKER CITY, OR 97814

Change: place of use Source: ECHO L RESERVOIR

# **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 November 21, 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.)

County: JACKSON Transfer: 11673

Water Right: CERT 80578; 83381; 83383; PERMIT S4951
Priority Date: MARCH 1, 1915; JULY 23, 1909; MARCH 31, 1910;

JUNE 18, 1920, MARCH 31, 1910, JULY 23, 1909

Name: MEDFORD IRRIGATION DISTRICT

PO BOX 70 JACKSONVILLE, OR 97530

Change: place of use Source: BEAR CREEK

Notice of District

County: Hood River

Permanent Transfer: NOTICE #T-2013-01

Certificate: 81340

Priority Date: November 25, 1895

Name: East Fork Irrigation District Address: PO Box 126, O'dell OR 97044

Change: POU

Source: East Fork Hood River

Acres: 1.6

Authorized POU: T2N R11E 06 Proposed POU: T2N R11E 06

Notice of District

County: Hood River

Permanent Transfer: NOTICE #T-2013-02

Certificate: 81340

Priority Date: November 25, 1895

Name: East Fork Irrigation District Address: PO Box 126, O'dell OR 97044

Change: POU

Source: East Fork Hood River

Acres: 1.2

Authorized POU: T2N R10E 12 Proposed POU: T2N R10E 12

Notice of District

County: Hood River

Permanent Transfer: NOTICE #T-2013-03

Certificate: 81340

Priority Date: November 25, 1895

Name: East Fork Irrigation District Address: PO Box 126, O'dell OR 97044

Change: POU

Source: East Fork Hood River

Acres: 3.2

Authorized POU: T2N R10E 14; T2N R10E 24 Proposed POU: T2N R10E 14; T2N R10E 24

Notice of District

County: Hood River

Permanent Transfer: NOTICE #T-2013-04

Certificate: 81340

Priority Date: November 25, 1895

Name: East Fork Irrigation District Address: PO Box 126, O'dell OR 97044

Change: POU

Source: East Fork Hood River

Acres: 2.6

Authorized POU: T3N R11E 31 Proposed POU: T3N R11E 31

Notice of District

County: Jackson

Permanent Transfer: NOTICE #T-13-01

Certificate: 85288, 85876, 85877, 80575, 80576, 80577, 83729

Priority Date: 1909, 1910, 1913, 1915, 1916, 1953
Name: Rogue River Valley Irrigation District
Address: 3139 Merriman Rd, Medford, OR 97501

Change: POU

Source: Little Butte Creek

Acres: 21

Authorized POU: T37S R1W 05; T37S R2W 13

Proposed POU: T37S R1W 06 Public Notice date October 22, 2013, Page 10

# Notice of Proposed Orders for Amendments #1 and #2 to Hydroelectric Water Right Certificate 86764

(ORS 543.092)

This matter comes before the Director on application of Portland General Electric Company (PGE) to amend a hydroelectric Project under water right certificate 86764. The issue before the Director is whether conditions specified for operation of the Project together with the recommended measures to protect, mitigate or enhance the natural resources of the State are sufficient to meet the standards of ORS 543.092, 543A, and OAR 690-053.

Amendment #1 to the Project as proposed is to install two 0.99 Megawatt turbines at the base of Timothy Lake Dam to generate power while supplying minimum flows from 30 to 300 cfs into the Oak Grove Fork of the Clackamas River. The proposed project is located in the NE ½ NE ½ Section 27, Township 5 South, Range 8 East, W.M.

Amendment #2 to the Project as proposed is to construct a powerhouse for a 1 MW turbine using flows of up to 150 cubic feet per second (cfs) being released from the minimum flow pipeline at Crack-in-the-Ground, below Lake Harriet Dam. The powerhouse would be in the NE ½ SE ½ Section 5, Township 6 South, Range 7 East, W.M. Another turbine would use of flows up to 35 cfs returning from the downstream migrant floating surface collector and the adult fish trapping facility to generate up to 135 KW below North Fork Dam. This turbine would be in the NE ¼ NW ¼ Section 11, Township 4 South, Range 4 East, W.M. Another 850 KW turbine would use flows of the fish ladder attraction water up to 225 cfs below the Faraday Diversion Dam. This turbine would be in the SW ¼ NE ¼ Section 3, Township 4 South, Range 4 East, W.M.

Any person may file with the Department a protest against the approval of the application on the grounds of injury to an existing water right and impacts to fish and wildlife values or water quality. (OAR 690-053-0015).

This order presents proposed findings of fact and conclusions of law to find that the standards of ORS 543.092, 543A and OAR 690-053 have been met with regards to the proposed Project amendment. Accordingly, the Department proposes to issue an amended water right for hydroelectric use for the remaining term of this Project.

Any person may protest this proposed order and request a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes Chapter 183 by filing a protest and request for hearing by **December 6, 2013.** A protest must be in writing, accompanied by a fee of \$700.00, and received at the Oregon Water Resources Department by **5 p.m.** on **December 6, 2013**. ORS 536.050(1)(j). Persons may mail or deliver protests and request for hearing to:

Mary Grainey
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301

Any person may be represented by legal counsel at the hearing. Any person filing a protest or requesting a hearing will be notified of the time and place of the hearing and given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before commencement of the hearing. The hearing will be conducted by an administrative law judge from the Office of Administrative Hearings.

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If you do not request a hearing within the time specified in this notice, or if you withdraw a request for hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a final order. If the Director issues a final order by default, the Director will designate the Department's file on this matter as the record for the purpose of proving a prima facie case upon default.

For further information contact: Mary Grainey 503-986-0833, Mary.S.Grainey@wrd.state.or.us.

# **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 9229 Cert#-88380	<u>)</u> 15	JOSE	05/31/1887	10/18/2013	ACORD, NANCY ACORD, THOMAS
Xfer: T 8075 Cert#-88363	<u>3</u> 16	DOUG	05/12/1923	10/18/2013	BURWELL, MICHAEL W. FRANSSEN, ANTHONY L. FRANSSEN, TERRIE R.
Xfer: T 8075 Cert#-88364	<u>1</u> 16	DOUG	07/14/1974	10/18/2013	BURWELL, MICHAEL W. FRANSSEN, ANTHONY L. FRANSSEN, TERRIE R.
Xfer: T 11104 Cert#-88354	<u>l</u> 17	COOS	01/06/1986	10/18/2013	BUSSMAN, FRED P.
App: S 69490 Cert#-88740	15	JACK	11/25/1987	09/09/9999	CARRICO, STUART O. CARRICO, LINDA M.
Xfer: T 9102 Cert#-88355	16	DOUG	05/15/1959	10/18/2013	EVANS, NATHANIEL YARBROUGH, JULIA GUILLEN, SCOTTY MORRIS, MARY

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File Number	Basin Number	County	Priority Date	Issue Date	Name
Xfer: T 9518 Cert#-88346	7	UMAT	03/14/1968	10/18/2013	J B LAND LLC BETZ, TROY
Xfer: T 8447 Cert#-88350	17	COOS	09/07/1966	10/18/2013	MANICKE, JUDITH R.
Xfer: T 6642 Cert#-88666	15	JOSE	12/31/1857	10/18/2013	PADRE PROPERTIES LLC
Xfer: T 7514 Cert#-88295	17	CURR	04/14/1961	10/18/2013	PETERS, ROY
Xfer: T 7514 Cert#-88298	17	CURR	12/28/1983	10/18/2013	PETERS, ROY
Xfer: T 7514 Cert#-88296	17	CURR	03/09/1966	10/18/2013	PETERS, ROY PETERS, BARBRA
Xfer: T 7514 Cert#-88297	17	CURR	05/12/1967	10/18/2013	PETERS, ROY PETERS, BARBRA
Xfer: T 8541 Cert#-88347	2	MARI	07/11/1974	10/18/2013	RYAN, MIKE RYAN, JEAN
Xfer: T 7018 Cert#-88366	2	MARI	01/03/1983	10/18/2013	SCENIC PROPERTIES NORTHWEST LLC
Xfer: T 8437 Cert#-88320	7	UMAT	12/31/1881	10/18/2013	STOLZ, GAIL STOLZ, MILO
Xfer: T 8437 Cert#-88321	7	UMAT	12/31/1881	10/18/2013	STOLZ, GAIL STOLZ, MILO
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File Number		Basin Number	County	Priority Date	Issue Date	Name
Xfer: T 843	7 Cert#-88319	7	UMAT	12/31/1881	10/18/2013	STOLZ, MILO STOLZ,GAIL
Xfer: T 103	25 Cert#-88353	7	UMAT	02/13/1952	10/18/2013	VON DERAHE INC.

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A Salem OR 97301

### PUBLIC NOTICE OF WATER USE REQUESTS

October 22, 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:	

\* 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.)