

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
June 16, 2020

*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.
- * **Establishment of Mitigation Credits in the Deschutes Basin pursuant to OAR Chapter 690, Division 521 (ORS 537.746)**
- * **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.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

- * **Transfer Applications: Drought Temporary Transfers**
Requests to temporarily change character of use, place of use or point of diversion during a drought declared under ORS 536.740.
- * **Transfer Applications: Permit Amendments**
Requests to amend permits.
- * **Transfer Notice: District Permanent Transfers for Place of Use- ORS 540.580(4)**
District notices filed for place of use changes within a district's boundary.
- * **Water Management and Conservation Plans**
Water management and conservation plans submitted by municipalities and agricultural water suppliers under provisions of OAR Chapter 690, Division 86.
- * **Notice of Application to Split a Permit**
Request to assign all or part of a water right permit for irrigation, nursery, temperature control, stock watering, or agricultural water use and to issue replacement permit(s) to reflect an assignment from the current permit holder to one or more additional permit holders.

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 Tonya.L.Miller@oregon.gov

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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

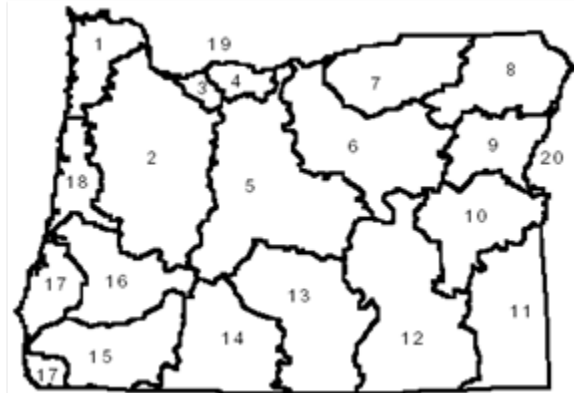
Unit of measure:

- 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 | |

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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, July 16, 2020. 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 \$30. (Any person paying \$30 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, July 31, 2020.

The protest filing fee is \$410 for the applicants and \$810 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 \$230 to retain the ability to participate in future proceedings relating to an application. Before participation in a hearing is allowed, an additional \$580 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.

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Initial Review and Proposed Final Orders

App# [G-18843](#)
County/Basin Yamhill / Willamette (2)
Applicant Name WAG HOLDINGS LLC
BRYAN, CHRISTOPHER
18505 NE JAQUINTH RD
NEWBERG, OR 97132

Sources/TRSQ40Q160 A WELL > UNNAMED STREAM / 2.00S 2.00W 31 SESE
Use/Quantity NURSERY USES / 0.019 CFS
Priority Date 10/21/2019
Stage/Status IR / PROPOSE TO DENY

App# [G-18879](#)
County/Basin Harney / Malheur Lake (12)
Applicant Name HENRICKS, TY R. AND HOLLIE K.
PO BOX 36
DENIO, NV 89404

Sources/TRSQ40Q160 A WELL > COTTONWOOD CREEK / 40.00S 36.00E 29 SESE
A WELL > COTTONWOOD CREEK / 40.00S 36.00E 29 NESE
A WELL > COTTONWOOD CREEK / 40.00S 36.00E 29 SWSE
A WELL > COTTONWOOD CREEK / 40.00S 36.00E 29 SWNW

Use/Quantity IRRIGATION / 4.660 CFS
Priority Date 11/18/2019
Stage/Status IR / PROPOSE TO DENY

App# [G-18877](#)
County/Basin Clackamas / Willamette (2)
Applicant Name RENARD, JACQUES
14891 S REDLAND RD
OREGON CITY, OR 97405

UMATILLA INC.
1131 SE UMATILLA ST
PORTLAND, OR 97202

Sources/TRSQ40Q160 A WELL > HOLCOMB CREEK / 2.00S 2.00E 34 NWNW
Use/Quantity AGRICULTURE USES / 0.200 CFS
Priority Date 12/05/2019
Stage/Status IR / PROPOSE TO APPROVE

App# [G-18907](#)
County/Basin Marion / Willamette (2)
Applicant Name WEYERHAEUSER NR CO.
16014 PLETZER RD SE
TURNER, OR 97392

Sources/TRSQ40Q160 A WELL > NORTH SANTIAM RIVER / 10.00S 2.00W 4 SESW
Use/Quantity TEMPERATURE CONTROL / 4.300 CFS
Priority Date 01/27/2020
Stage/Status IR / PROPOSE TO DENY

App# [G-18913](#)
County/Basin Clackamas / Willamette (2)
Applicant Name REUTOV, ZAHARY A.
28668 S ELISHA RD
CANBY, OR 97013

Sources/TRSQ40Q160 A WELL > MOLALLA RIVER / 4.00S 1.00E 25 NESW
Use/Quantity IRRIGATION / 0.480 CFS
Priority Date 02/12/2020
Stage/Status IR / PROPOSE TO APPROVE

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

App# [R-88813](#)
 County/Basin Wasco / Deschutes (5)
 Applicant Name JOHNSON LIVESTOCK LLC
 ATTN: BRENDON JOHNSON
 79681 WOODCOCK RD
 WAMIC, OR 97063

Sources/TRSQ40Q160 ROCK CREEK > WHITE RIVER / 4.00S 11.00E 14 SWSE
 THREEMILE CREEK > WHITE RIVER / 4.00S 11.00E 10 NENE
 NORTH FORK GATE CREEK > ROCK CREEK / 4.00S 11.00E 21 SENE
 UNNAMED DRAINAGE > ROCK CREEK / 4.00S 12.00E 15 SESE
 UNNAMED DRAINAGE > ROCK CREEK / 4.00S 12.00E 16 NESE

Use/Quantity MULTIPLE PURPOSE / 68.49890 AF
 Priority Date 03/02/2020
 Stage/Status IR / PROPOSE TO APPROVE

App# [S-88827](#)
 County/Basin Polk / Willamette (2)
 Applicant Name FOLEY FAMILY FARMS LP
 1701 VILLAGE CENTER CIRCLE
 LAS VEGAS, NV 89134

Sources/TRSQ40Q160 A RESERVOIR > UNNAMED STREAM / 7.00S 5.00W 4 NESE
 UNNAMED STREAM > YAMHILL RIVER / 7.00S 5.00W 4 NESE

Use/Quantity IRRIGATION / 34.650 AF
 IRRIGATION / 0.866 CFS

Priority Date 03/25/2020
 Stage/Status IR / PROPOSE TO APPROVE

App# [G-18974](#)
 County/Basin Benton / Willamette (2)
 Applicant Name DUNNING, KYLE L. AND HOLLY J.
 4635 NE ELLIOTT CIRCLE
 CORVALLIS, OR 97330

Sources/TRSQ40Q160 A WELL > FRAZIER CREEK / 11.00S 4.00W 18 NENW
 A WELL > FRAZIER CREEK / 11.00S 4.00W 18 NWNE

Use/Quantity IRRIGATION / 1.200 CFS

Priority Date 05/12/2020
 Stage/Status IR / PROPOSE TO APPROVE

App# [R-88830](#)
 County/Basin Wasco / Deschutes (5)
 Applicant Name WHITE RIVER RANCH LLC
 ATTN: JACK STEVENS
 56100 SMOCK RD
 WAMIC, OR 97063

Sources/TRSQ40Q160 RUNOFF > ROCK CREEK / 4.00S 12.00E 27 SWNW

Use/Quantity MULTIPLE PURPOSE / 6.000 CFS

Priority Date 05/26/2020
 Stage/Status IR / PROPOSE TO APPROVE

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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 \$30.00 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 503-986-0801.

App#	G-18976
County/Basin	Klamath / Klamath (14)
Applicant Name	PATTERSON RANCH LLC PO BOX 201 MERRILL, OR 97633
Priority Date	05/15/2020
Issue Date	06/09/2020
Status	APPROVED
App#	G-18984
County/Basin	Klamath / Klamath (14)
Applicant Name	KLIEWER, RYAN PO BOX 189 MIDLAND, OR 97634
Priority Date	05/21/2020
Issue Date	06/11/2020
Status	APPROVED
App#	G-18986
County/Basin	Klamath / Klamath (14)
Applicant Name	TERRY BENGARD PROPERTIES 25400 N POE VALLEY RD KLAMATH FALLS, OR 97603
Priority Date	06/01/2020
Issue Date	06/11/2020
Status	APPROVED
App#	G-18987
County/Basin	Klamath / Klamath (14)
Applicant Name	HICKEY, JESSE PO BOX 358 MERRILL, OR 97633
Priority Date	05/28/2020
Issue Date	06/11/2020
Status	APPROVED
App#	G-18988
County/Basin	Klamath / Klamath (14)
Applicant Name	SHAW, CAROLYN 12952 CRYSTAL SPRINGS RD KLAMATH FALLS, OR 97603
Priority Date	06/01/2020
Issue Date	06/11/2020
Status	APPROVED

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

App# [G-18990](#)
County/Basin Klamath / Klamath (14)
Applicant Name HILL, DAVID D. AND SANDY
18343 HILL RD
KLAMATH FALLS, OR 97603
Priority Date 06/03/2020
Issue Date 06/15/2020
Status APPROVED

App# [G-18991](#)
County/Basin Klamath / Klamath (14)
Applicant Name MOYLES, HUNTER
3030 ROUND LAKE RD
KLAMATH FALLS, OR 97601
Priority Date 06/03/2020
Issue Date 06/15/2020
Status APPROVED

App# [LL-1824](#)
County/Basin Douglas / Umpqua (16)
Applicant Name HAMILTON CONSTRUCTION COMPANY
PO BOX 659
SPRINGFIELD, OR 97477
Priority Date 04/13/2020
Issue Date 06/11/2020
Status APPROVED

App# [S-88708](#)
County/Basin Yamhill / Willamette (2)
Applicant Name DAMAI HILL FARM LLC
DION, ROBERT L.
19700 NW ADCOCK RD
YAMHILL, OR 97148
Priority Date 06/17/2019
Issue Date 06/09/2020
Status APPROVED

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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 August 15, 2020.

App# [R-88838](#)
County/Basin Yamhill / Willamette (2)
Applicant Name R AND B KAUER PROPERTIES LLC
ATTN: DAVE KAUER
PO BOX 783
MCMINNVILLE, OR 97128
Sources/TRSQ40Q160 UNNAMED STREAM > SOUTH YAMHILL RIVER / 4.00S 4.00W 29 SWSE
Use/Quantity MULTIPLE PURPOSE / 13.200 AF
Priority Date 06/05/2020

App# [R-88833](#)
County/Basin Douglas / Umpqua (16)
Applicant Name BAXTER, JEFFERY AND PENNY
2138 DRIVER VALLEY RD
OAKLAND, OR 97462
Sources/TRSQ40Q160 RUN OFF > CALAPOOYA RIVER / 24.00S 5.00W 35 SWSW
Use/Quantity MULTIPLE PURPOSE / 1.700 AF
Priority Date 06/01/2020

App# [R-88836](#)
County/Basin Douglas / Umpqua (16)
Applicant Name BAXTER, JEFFERY AND PENNY
2138 DRIVER VALLEY RD
OAKLAND, OR 97462
Sources/TRSQ40Q160 RUN OFF > CALAPOOYA RIVER / 24.00S 5.00W 34 SWSE
Use/Quantity MULTIPLE PURPOSE / 4.700 AF
Priority Date 06/01/2020

App# [R-88837](#)
County/Basin Douglas / Umpqua (16)
Applicant Name BAXTER, JEFFERY AND PENNY
2138 DRIVER VALLEY RD
OAKLAND, OR 97462
Sources/TRSQ40Q160 RUN OFF > CALAPOOYA CREEK / 24.00S 5.00W 34 SESE
Use/Quantity MULTIPLE PURPOSE / 3.400 AF
Priority Date 06/01/2020

<p>IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.</p>
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Establishment of Mitigation Credits in the Deschutes Basin

ORS 537.746 authorizes the Department to award mitigation credits in the Deschutes Basin to approved mitigation projects. Mitigation credits may be used in the Deschutes Basin, specifically the Deschutes Ground Water Study Area, to mitigate for the impacts of ground water use on surface water flows. Pursuant to OAR Chapter 690, Division 521, upon receipt of notification of a mitigation project, the Department shall give public notice of the intent to establish mitigation credits.

The public is invited to comment on establishment of mitigation credits for the project(s) described below. Comments must be received within 21 days of the date of this public notice. Comments should address the award of mitigation credits to the proposed project and its use for mitigation purposes. Included in this public notice is a preliminary determination as to the amount of mitigation credits that may be available from the proposed project.

Mitigation Project #: MP-267, Deschutes County

Project Applicant: Deschutes River Conservancy Mitigation Bank and Three Sisters Irrigation District and City of Sisters

Mitigation Project and Process: Instream Lease IL-1816 - see also instream lease section of this notice for additional application details

Subbasin/Source: Whychus Creek subbasin – Whychus Creek, tributary to the Deschutes River

Amount of Water: Up to 1.072 Cubic Foot per Second and 179.7 Acre-Feet – priority date 1880
Up to 0.554 Cubic Foot per Second and 106.5 Acre-Feet – priority date 1881
Up to 0.109 Cubic Foot per Second and 21.0 Acre-Feet – priority date 1886

Current Use: Irrigation of 59.9 acres – priority date 1880
Irrigation of 35.5 acres – priority date 1881
Irrigation of 7.0 acres – priority date 1886

Credits Assigned to: Deschutes River Conservancy Mitigation Bank

Preliminary Mitigation Credit Determination: 184.3 mitigation credits that may be available for use in the Whychus Creek and/or General Zones of Impact

Contact: Sarah Henderson (503) 986-0884

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Mitigation Project #: MP-266, Deschutes County
Project Applicant: Hettervig Properties, LLC
Mitigation Project And Process: Instream Transfer T-13456
Subbasin/Source: Little Deschutes River subbasin – Little Deschutes tributary of Deschutes River
Amount of Water: up to 0.50 Cubic Foot per Second and 80.0 Acre-Feet
Current Use: Irrigation of 20.0 acres
Credits Assigned to: Hettervig Properties, LLC
Preliminary Mitigation Credit Determination: Up to 36.0 mitigation credits that may be available for use in the Little, Upper, Middle Deschutes and/or General Zones of Impact
Contact: Sarah Henderson (503) 986-0884

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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 June 30, 2020, 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-1834](#)
County/Basin Wasco / Hood (4)
Applicant Name KRAMER, MARC
5814 MILL CREEK ROAD
THE DALLES, OR 97215
Sources/TRSQ40Q160 MILL CREEK > COLUMBIA RIVER / 1.00N 12.00E 24 SENW
Use/Quantity ESTABLISH A DRY FARM VINEYARD / 20 GPM

App# [LL-1835](#)
County/Basin Yamhill / Willamette (2)
Applicant Name OLENIK, JOHN
18320 NE FAIRVIEW LLC
110 SW DOGWOOD DR
DUNDEE, OR 97115
Sources/TRSQ40Q160 A WELL > HARVEY CR / 3.00S 3.00W 22 SWSW
Use/Quantity IRRIGATION / .12 CFS

IMPORTANT: Due to COVID-19, the Department’s office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

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 July 07, 2020. 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#	SL-55
Certificate	45010
County/Basin	Wallowa / Grande Ronde (8)
Lessor	WILSON, IAN 68593 JIM TOWN RD LOSTINE, OR 97857
Lessor	WILSON, HEIDI 68593 JIM TOWN RD LOSTINE, OR 97857
Lessee	OLD, LEVI TROUT UNLIMITED 2210 18TH ST BAKER CITY, OR 97814
Priority Date	12/31/1889, 12/1895,
Source/Tributary To	WALLOWA RIVER / GRANDE RONDE RIVER LOSTINE RIVER / WALLOWA RIVER
Lease#	IL-1180
Certificate	19730, 24649
County/Basin	Polk / Willamette (2)
Lessor	LAMB, ROBERT C. 349 WALNUT DRIVE S MONMOUTH, OR 97361-1946
Priority Date	09/12/1942, 07/16/1951
Source/Tributary To	LITTLE LUCKIAMUTE RIVER / LUCKIAMUTE RIVER
Lease#	IL-1814
Certificate	90382, 87546, 90383, 90380, 90397, 75485, 87548, 87547, 83850
County/Basin	Crook / Deschutes (5)
Lessor	CITY OF PRINEVILLE; ATTN: ERIC KLANN 387 NE 3RD STREET PRINEVILLE, OR 97754
Priority Date	04/08/1914, 03/28/1935, 12/31/1895, 09/11/1934
Source/Tributary To	CROOKED RIVER / DESCHUTES RIVER

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Lease# [IL-1815](#)
Certificate 86271
County/Basin Umatilla / Umatilla (7)
Lessor BIER, PATRICIA
412 PIERCE ST
MILTON FREEWATER, OR 97862

Lessee TROUT UNLIMITED
103 PALOUSE ST STE 14
WENATCHEE, WA 98801

Priority Date 12/31/1891
Source/Tributary To WALLA WALLA RIVER / COLUMBIA RIVER

Lease# [IL-1816](#)
Certificate 93683, 93681, 93680
County/Basin Deschutes / Deschutes (5)
Name THREE SISTERS IRRIGATION DISTRICT
PO BOX 2230
SISTERS, OR 97759

CITY OF SISTERS
PO BOX 39
SISTERS, OR 97759

HUBERT, GENEVIEVE
DESCHUTES RIVER CONSERVANCY MITIGATION BANK
700 NW HILL ST STE 1
BEND, OR 97703

Priority Date 12/31/1886, 12/31/1881, 12/31/1880
Source/Tributary To WHYCHUS CREEK / DESCHUTES RIVER

Lease# [IL-1817](#)
Certificate 94956
County/Basin Crook, Deschutes / Deschutes (5)
Lessor CENTOLA, ABIGAIL
CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE COURT
REDMOND, OR 97756

Lessee HUBERT, GENEVIEVE
DESCHUTES RIVER CONSERVANCY
700 NW HILL ST STE #1
BEND, OR 97703

Priority Date 10/31/1900, 12/02/1907
Source/Tributary To DESCHUTES RIVER / COLUMBIA RIVER

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

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 July 16, 2020. 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-13455
Water Right	Cert: 90079
County/Basin	Yamhill / Willamette (2)
Applicant Name	BAILEY NURSERIES INC. 9855 NW PIKE RD YAMHILL, OR 97148
Proposed Change	PLACE OF USE
Sources/TRSQ40Q160	A RESERVOIR > NORTH YAMHILL RIVER / 2.00S 4.00W 31 NENE A RESERVOIR > NORTH YAMHILL RIVER / 2.00S 4.00W 31 SENE SALT CREEK > NORTH YAMHILL RIVER / 2.00S 4.00W 31 SENE
Use/Quantity	NURSERY USES / 2.230 CFS
Priority Date	03/02/1990
Transfer	T-13456
Water Right	Cert: 90239
County/Basin	Deschutes, Klamath / Deschutes (5)
Applicant Name	HETTERVIG PROPERTIES, LLC 1976 OCHOCO STREET MILWAUKIE, OR 97222
Proposed Change	PLACE OF USE, USE
Sources/TRSQ40Q160	LITTLE DESCHUTES RIVER > DESCHUTES RIVER / 23.00S 9.00E 34 SWSW
Use/Quantity	IRRIGATION / 26.874 CFS
Priority Date	12/31/1897, 12/31/1900, 04/30/1902

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

Transfer [T-13457](#)
 Water Right Cert: 35750, 48608, 94357, 94359, 94361, 94362, 94365
 County/Basin Lake / Goose & Summer Lake (13)
 Applicant Name MILES, DANIEL
 81341 BUICK LANE
 SILVER LAKE, OR 97638

Proposed Change POINT OF DIVERSION, PLACE OF USE
 Sources/TRSQ40Q160 A WELL > FORT ROCK BASIN / 27.00S 15.00E 2 NWSW
 A WELL > FORT ROCK BASIN / 27.00S 15.00E 14 SENW
 A WELL > FORT ROCK VALLEY / 27.00S 15.00E 2 SESE
 A WELL > FORT ROCK VALLEY / 27.00S 15.00E 2 NENW
 A WELL > SILVER CREEK BASIN / 27.00S 15.00E 2 NWSW
 A WELL > SILVER CREEK BASIN / 27.00S 15.00E 2 SESW
 A WELL > SILVER LAKE / 27.00S 15.00E 14 NWNE

Use/Quantity IRRIGATION / 1.090 CFS
 SUPPLEMENTAL IRRIGATION / 1.640 CFS
 IRRIGATION / 0.944 CFS
 IRRIGATION / 0.104 CFS
 IRRIGATION / 0.050 CFS
 IRRIGATION / 0.330 CFS
 IRRIGATION / 0.320 CFS
 IRRIGATION / 0.570 CFS
 IRRIGATION / 0.660 CFS

Priority Date 11/06/1958, 08/09/1976, 01/05/1950, 02/14/1974, 01/17/1955, 04/10/1956, 02/06/1959

Transfer [T-13459](#)
 Water Right Cert: 7716, 9311, 9045, 9046, 48403
 County/Basin Wallowa / Grande Ronde (8)
 Applicant Name MCLAUGHLIN, ERL
 65708 SUNRISE RD
 ENTERPRISE, OR 97828

Proposed Change POINT OF DIVERSION, PLACE OF USE
 Sources/TRSQ40Q160 A RESERVOIR > WALLOWA RIVER / 3.00S 45.00E 5 NWNW
 HURRICAN CREEK/SPRS > WALLOWA RIVER / 2.00S 44.00E 24 SWNE
 HURRICANE CREEK > WALLOWA RIVER / 3.00S 44.00E 3 NENE
 SPRING CRKS/SCOTCH > WALLOWA RIVER / 2.00S 44.00E 24 SWNE
 WALLOWA RIVER > GRANDE RONDE RIVER / 2.00S 44.00E 24 SENE
 WALLOWA RIVER > GRANDE RONDE RIVER / 2.00S 45.00E 31 NENE

Use/Quantity DOMESTIC / 118.000 CFS
 IRRIGATION / 16.200 CFS
 DOMESTIC / 85.303 CFS
 SUPPLEMENTAL IRRIGATION / 16.200 CFS
 DOMESTIC / 30.000 CFS

Priority Date 02/28/1884, 07/20/1915, 05/15/1924, 03/12/1925, 11/30/1901

Transfer [T-13460](#)
 Water Right Cert: 36111
 County/Basin Marion / Willamette (2)
 Applicant Name SULLENGER, DANIEL
 6090 JUNIPER ST NE
 SALEM, OR 97305

Proposed Change PLACE OF USE, USE
 Sources/TRSQ40Q160 UNNAMED CR/RESERVOIR > LITTLE PUDDING RIVER / 7.00S 2.00W 4 SWNE
 Use/Quantity RECREATION / 0.010 CFS
 Priority Date 04/27/1965

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

Transfer [T-13461](#)
Water Right Cert: 24691
County/Basin Benton, Linn / Willamette (2)
Applicant Name BYLUND, STEPHEN
1986 SE POWELLS RD
CORVALLIS, OR 97333
Proposed Change POINT OF APPROPRIATION
Sources/TRSQ40Q160 A WELL > WILLAMETTE RIVER / 12.00S 4.00W 30 NENW
Use/Quantity IRRIGATION / 0.690 CFS
Priority Date 04/30/1956

Transfer [T-13462](#)
Water Right Cert: 94802 (T-12773) CR
County/Basin Linn / Willamette (2)
Applicant Name ELLIS, CLAY
INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE TOWER III
MEMPHIS, TN 38197
Proposed Change POINT OF DIVERSION, PLACE OF USE, USE
Sources/TRSQ40Q160 WILLAMETTE RIVER > COLUMBIA RIVER / 10.00S 3.00W 32 NENE
Use/Quantity INDUSTRIAL/MANUFACTURING USES / 16.000 CFS
Priority Date 12/23/1954

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

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 \$810 protest fee for non-applicant and \$410.00 protest fee for applicant. Call (503) 986-0815 to obtain additional information. Protests must be received by the Department on or before July 16, 2020, 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-12791](#) filed by Coby and Marcie Roberts Trust, 47710 Lewis Creek Rd., Oakhurst, CA 93644, proposes an additional point of appropriation and a change in place of use under Certificate 93165. The right allows the use of 0.113 cubic foot per second from a well in Sec. 12, T35S, R2W, WM for irrigation in Sec. 12, T35S, R2W, WM. The applicant proposes an additional point of appropriation in Sec. 12, T35S, R2W, WM and to change the place of use within Sec. 12, T35S, 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-13105](#) filed by Steve Dumdi, PO Box 458, Yamhill, OR 97148, proposes a change in place of use under Certificate 74105. The right allows the use of 0.43 cubic foot per second from North Yamhill River in Sec. 9, T3S, R4W, WM for irrigation in Sects. 4 and 9, T3S, R4W, WM. The applicant proposes to change the place of use to Sec. 4, T3S, R4W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

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 enlarge 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:

Transfer	T-13454
Water Right	Cert: 40065
County/Basin	Yamhill / Willamette (2)
Applicant Name	KAUER, DAVE KAUER FAMILY FARMS/TRIPLE K FARMS 7325 SE AMITY DAYTON HWY AMITY, OR 97101
Proposed Change	ADDITIONAL POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	SOUTH FORK YAMHILL RIVER > YAMHILL RIVER / 4.00S 4.00W 34 SENE SOUTH FORK YAMHILL RIVER > YAMHILL RIVER / 4.00S 4.00W 34 NWSW
Use/Quantity	IRRIGATION / 4.650 CFS
Priority Date	02/21/1964

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

Transfer Applications: Drought Temporary Transfer

During the effective time period of a drought declaration under ORS 536.740, the Commission or the Director may: (1) Allow a temporary transfer of a water right without complying with the notice and waiting requirements of ORS 540.520; (2) Allow a temporary exchange of water without giving notice as required under ORS 540.535; and (3) Use an expedited notice and waiting requirement for the substitution of a supplemental ground water right for a primary water right.

Notice is given that the following applications for Drought Temporary Transfers have been received by the Department. Consistent with the drought emergency, an order approving or denying the drought transfer will be issued as soon as the Department is able to process the application.

Transfer	T-13463
Water Right	Permit: G-16334, Cert: 27010
County/Basin	Klamath / Klamath (14)
Applicant Name	STURM, CODY 3223 PARAMOUNT ST KLAMATH FALLS, OR 97603
Proposed Change	PLACE OF USE
Sources/TRSQ40Q160	A WELL > MILL CREEK / 41.00S 13.00E 7 NWSW A WELL > MILLS CREEK / 41.00S 13.00E 18 NWNW
Use/Quantity	IRRIGATION / 1.980 CFS
Priority Date	SUPPLEMENTAL IRRIGATION / 2.110 CFS 05/18/2007, 12/26/1952

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

Transfer Applications: Permit Amendments

The holder of a water right permit may apply to change a point of diversion or appropriation or to change the place of use pursuant to ORS 537.211 (4).

Notice is given that the following applications for Permit Amendments have been received by the Department. If the proposed change in point of diversion or appropriation is for a distance greater than 1/4 mile or includes intervening diversion points, notice also will be published in a local newspaper.

Transfer	T-13458
Water Right	Permit: G-17934
County/Basin	Clackamas / Willamette (2)
Applicant Name	POOLER, PATRICK HIGH SPIRIT ACRES LLC 27503 SE NELSON RD SANDY, OR 97055
Proposed Change	POINT OF APPROPRIATION
Sources/TRSQ40Q160	A WELL > NORTH FORK EAGLE CREEK BASIN / 3.00S 5.00E 8 SWSE A WELL > NORTH FORK EAGLE CREEK BASIN / 3.00S 5.00E 8 NWSE A WELL > UNNAMED STREAM BASIN / 3.00S 5.00E 8 SENW A WELL > UNNAMED STREAM BASIN / 3.00S 5.00E 8 NWSE
Use/Quantity	IRRIGATION / 0.03440 CFS
Priority Date	12/02/2016

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

Notice of District Permanent Transfer for Place of Use

A district may allow a change in place of use prior to the Department issuing a final order approving a district permanent transfer application provided, in part, that (1) the District files a notice with the Department of the change in place of use prior to making the change, and (2) prior to the end of the calendar year in which the change in place of use occurs the District submits a district permanent transfer application for the same change in place of use [ORS 690-385-4100(1)(a) and (b)]. Notices for District Permanent Transfers for Place of Use submitted to the Department are listed below.

Notice **2020-10**
County Deschutes
Certificate 94956, 76714
Priority Date 10/31/1900; 12/2/1907; 2/28/1913
Name CENTRAL OREGON IRRIGATION DISTRICT
Address 1055 S.W. LAKE CT
REDMOND, OR 97756
Use IRRIGATION; SUPPLEMENTAL IRRIGATION
Source DESCHUTES R > COLUMBIA R
CRANE PRAIRIE RES > DESCHUTES
Acres: 0.40
Authorized POU: T18S R13E 02 SESW, SESE
Proposed POU: T18S R13E 02 SESW, SESE

Notice **2020-20**
County Deschutes
Certificate 94956, 76714
Priority Date 10/31/1900; 12/2/1907; 2/28/1913
Name CENTRAL OREGON IRRIGATION DISTRICT
Address 1055 S.W. LAKE CT
REDMOND, OR 97756
Use IRRIGATION; SUPPLEMENTAL IRRIGATION
Source DESCHUTES R > COLUMBIA R
CRANE PRAIRIE RES > DESCHUTES
Acres: 5.20
Authorized POU: T17S R12E 35 NWNE
Proposed POU: T15S R15E 07 SESE

Notice **2020-21**
County Deschutes
Certificate 94956, 76714
Priority Date 10/31/1900; 12/2/1907; 2/28/1913
Name CENTRAL OREGON IRRIGATION DISTRICT
Address 1055 S.W. LAKE CT
REDMOND, OR 97756
Use IRRIGATION; SUPPLEMENTAL IRRIGATION
Source DESCHUTES R > COLUMBIA R
CRANE PRAIRIE RES > DESCHUTES
Acres: 1.90
Authorized POU: T17S R12E 24 SWNW
Proposed POU: T15S R15E 05 NWSW

<p>IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.</p>
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Water Management and Conservation Plans

The Department is required to give notice and to invite public review and comment on Water Management and Conservation Plans submitted pursuant to OAR Chapter 690, Division 086. The Department will consider all public comments in its review of the draft plan and will report the results of the review to the water supplier 90 days from the time the plan was submitted.

Any person may review and comment on a draft plan on or before July 16, 2020. The plans are available for viewing at the Salem office of the Water Resources Department. Comments should focus on elements in the draft that do not meet the requirements of OAR Chapter 690, Division 086 and should include suggestions on how to bring the draft into compliance with the rules.

Plans have been submitted by the following agricultural and municipal water suppliers:

City of Milton-Freewater (Municipal)

To review any of the above plan(s) or to provide comments on the plan(s), contact Kerri Cope at 503-986-0919 or Kerri.H.Cope@oregon.gov.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

Notice of Application to Split a Permit

Applications of a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use, to assign all or part of the water right permit and to request issuance of a replacement permit to reflect an assignment from the current permit holder to one or more additional permit holders. The Department welcomes comments from interested persons, agencies, and organizations. **The comment deadline for notice of the application(s) appearing in this public notice is 5:00 pm, July 16, 2020.** Although we cannot respond individually to all comments, each will be considered as the agency makes its decision regarding the proposed splitting of a permit.

The application may be viewed free of charge online at: <http://apps.wrd.state.or.us/apps/wr/wrinfo/>. Persons interested in receiving a copy of a Proposed Final Order must pay a statutorily-required fee of \$30. Any person paying \$30 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.

Transfer Permit	T-13310 G-15252
County/Basin	Harney / Malheur Lake (#9)
Applicant	CLW Farms, LLC PO Box 9324 Salt Lake City, UT 84109
Source/TRSQ40Q160	WELL1 > MALHEUR LAKE BASIN/ T24S R33W SEC26 NENW WELL2 > MALHEUR LAKE BASIN/ T24S R33W SEC26 NENE WELL3 > MALHEUR LAKE BASIN/ T24S R33W SEC25 NENW WELL4 > MALHEUR LAKE BASIN/ T24S R33W SEC26 NESW WELL5 > MALHEUR LAKE BASIN/ T24S R33W SEC26 NESE WELL6 > MALHEUR LAKE BASIN/ T24S R33W SEC25 NESW WELL7 > MALHEUR LAKE BASIN/ T24S R33W SEC35 NENW WELL8 > MALHEUR LAKE BASIN/ T24S R33W SEC36 NENW WELL9 > MALHEUR LAKE BASIN/ T24S R33W SEC36 NESW WELL13bh1 > MALHEUR LAKE BASIN/ T24S R33W SEC25 NENW WELL16bh1 > MALHEUR LAKE BASIN/ T24S R33W SEC25 NENW
Priority Date	JANUARY 3, 2002
Use/Quantity	IRRIGATION / 19.96 CFS
Limit	1/80 TH CFS PER ACRE/ 3.0 AF PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR
Applicant's Use/Quantity	7.98 CFS
Permit Completion Date	10/01/2037

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
June 16, 2020

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 \$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, at the local watermaster office, or online.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.