OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS June 30, 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.
- * Expedited Secondary Applications to Use Stored Water
 Applications to use stored water exclusively, filed under a simplified review process.
- * Applications for Extensions of Time to Perfect Water Right Permits

 New applications received and proposed final orders regarding requests to extend time limits to fully develop water use projects and beneficially apply water.
- * Applications for Limited Licenses

 Requests to use water for 5 years or less. Licenses are subordinate to other rights and may be revoked if a use is found to injure other water right holders.
- * Application for Instream Lease
 Application by water right holder to lease existing water rights to instream use.
- * Transfer Applications: Regular
 Requests to change point of diversion or appropriation, place of use, or character of use upon which the public may comment. The changes may be proposed in an application for a transfer (including instream or historic POD), an exchange, or a substitution.
- * Transfer Preliminary Determinations
 Requests to change point of diversion or appropriation, place of use, and character of use upon which the public may protest the application and Department's preliminary determination.
- * Transfer Applications: 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: District Permanent for Place of Use ORS 540.580
 Petitions requesting permanent changes in place(s) of use within a district's boundary.
- * 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.
- * Notice of Receipt of Recommendation to Consent to Injury for Water Right Transfer T-12837
- * Water Management and Conservation Plan Progress Reports
 Water management and conservation plan progress reports submitted by municipalities under provisions of OAR Chapter 690, Division 86.
- * Certificate Issuance
 Included in this section is a listing of recently issued water right certificates.
- * PC 909 Proposed Final Order

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

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

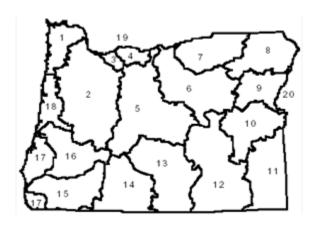
Priority Date Stage/ Status

GD:

IR: Initial Review

Group domestic

PFO: Proposed Final Order



BASINS:

1. North Coast 8. Grande Ronde 15. Rogue 2. Willamette 9. Powder 16. Umpqua 17. S. Coast 3. Sandy 10. Malheur 11. Owyhee 18. Mid-Coast 4. Hood 12. Malheur L. 5. Deschutes 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		IL:	Irrigation with livestock	PW:	Power
	non-commercial lawn & garden	IM:	Industrial or manufacturing	QM:	Quasi-municipal
DO:	Domestic	IR:	Irrigation	RC:	Recreation
DS:	Domestic & stock	IS:	Irrigation, supplemental	RW:	Road construction
FI:	Fish	LV:	Livestock	TC:	Temperature control
FP:	Fire protection	LW:	Livestock & wildlife	WI:	Wildlife
FW:	Fish & wildlife	MI:	Mining		

Initial Review and Proposed Final Orders

The following pages of this notice list permit applications that the Department is evaluating for compliance with state water law. Public participation and comment is encouraged. Opportunities for public involvement vary according to the stage of the permit evaluation. Ground water permit applications in the Deschutes Basin (Basin 5) may seek to provide mitigation pursuant to the Deschutes Ground Water Mitigation Rules.

Initial Review Stage (IR)

The Department has given the applicant an initial review of water-use restrictions, water availability and other limitations that affect the agency's decision on whether to issue a permit. The Department welcomes comments from interested persons, agencies and organizations on the proposed water use. **The comment deadline for initial reviews appearing in this public notice is 5pm, Thursday, July 30, 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, August 14, 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.

Initial Review and Proposed Final Orders

App# <u>G-18778</u>

County/Basin Yamhill / Willamette (2)

Applicant Name STE MICHELLE WINE ESTATES HWY 221 COLUMBIA CREST DR

PATERSON, WA 99345

Sources/TRSQ40Q160 A WELL > CHEHALEM CREEK BASIN / 3.00S 3.00W 22 SWSW

Use/Quantity COMMERCIAL USES / 0.070 CFS

Priority Date 01/15/2019

Stage/Status PFO / PROPOSE TO APPROVE

App# <u>G-18884</u>

County/Basin Marion / Willamette (2)

Applicant Name MYRON AND DIANE KUENZI FAMILY FARM LLC

6475 STATE ST SALEM, OR 97317

Sources/TRSQ40Q160 A WELL > PUDDING RIVER BASIN / 7.00S 1.00W 7 NENW

Use/Quantity IRRIGATION / 0.040 CFS

Priority Date 12/06/2019

Stage/Status PFO / PROPOSE TO APPROVE

App# <u>G-18919</u>

County/Basin Polk / Willamette (2)
Applicant Name SWAN, PETE
9295 HULTMAN RD

INDEPENDENCE, OR 97351

Sources/TRSQ40Q160 A WELL > DUCK SLOUGH BASIN / 9.00S 4.00W 11 NESW

Use/Quantity LIVESTOCK / 0.120 CFS

Priority Date 02/24/2020

Stage/Status PFO / PROPOSE TO APPROVE

App# <u>G-18233</u>

County/Basin Marion / Willamette (2)
Applicant Name COLEMAN RANCH

PO BOX 128

SAINT PAUL, OR 97137

Sources/TRSQ40Q160 A WELL > WEST CHAMPOEG CREEK / 5.00S 2.00W 8 NESE

A WELL > WEST CHAMPOEG CREEK / 5.00S 2.00W 8 SWSE

Use/Quantity IRRIGATION / 0.668 CFS

Priority Date 01/14/2016

Stage/Status IR / PROPOSE TO DENY

App# G-18868

County/Basin Clackamas / Willamette (2)

Applicant Name STADELI, STEVEN N. AND KAREN L.

PO BOX 1018

MOLALLA, OR 97038

Sources/TRSQ40Q160 A WELL > DICKEY CREEK / 5.00S 2.00E 24 NESW

Use/Quantity IRRIGATION / 0.450 CFS

Priority Date 09/27/2019

Stage/Štatus IR / PROPOSE TO DENY

App# <u>G-18871</u>

County/Basin Yamhill / Willamette (2)

Applicant Name WILLAMETTE VALLEY LAND LLC

C/O PAUL KUEHNE

PO BOX 99

LAFAYETTE, OR 97127

Sources/TRSQ40Q160 A WELL > COZINE CREEK / 4.00S 4.00W 31 SWNE

A WELL > COZINE CREEK / 4.00S 4.00W 31 SENW A WELL > COZINE CREEK / 4.00S 4.00W 31 SESW A WELL > COZINE CREEK / 4.00S 4.00W 31 SWSE

Use/Quantity IRRIGATION / 1.782 CFS

Priority Date 10/08/2019

Stage/Status IR / PROPOSE TO DENY

App# <u>G-18965</u>

County/Basin Yamhill / Willamette (2)

Applicant Name AKINS, ALAN

14035 NE TANGEN RD NEWBERG, OR 97132

Sources/TRSQ40Q160 A WELL > CHEHELAM CREEK / 3.00S 3.00W 13 NWNW

Use/Quantity IRRIGATION / 0.002 CFS

Priority Date 04/27/2020

Stage/Status IR / PROPOSE TO APPROVE

App# <u>G-18974</u>

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# <u>G-18992</u>

County/Basin Malheur / Malheur (10)

Applicant Name KYNISTON, EVERETTE AND JANET

434 FOOTHILL DR ONTARIO, OR 97914

Sources/TRSQ40Q160 A WELL > MALHEUR RIVER / 17.00S 47.00E 29 NESW

Use/Quantity IRRIGATION / 0.134 CFS

Priority Date 06/03/2020

Stage/Status IR / PROPOSE TO DENY

Final Orders - Permit & Limited License Applications

Following is a list of applications for new appropriations that have had final orders issued recently. If you would like a hard copy of an order mailed to you, send a request with \$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# <u>G-16512</u>

County/Basin Union / Grande Ronde (8)
Applicant Name BECKER, MICHAEL A.

10406 N MCALISTER RD LA GRANDE. OR 97850

 Priority Date
 08/19/2005

 Issue Date
 06/25/2020

 Status
 APPROVED

App# <u>G-18244</u>

County/Basin Clackamas / Willamette (2)
Applicant Name SOLAR FRESH, LLC

HAWORTH, MICHELLE HAWORTH, TYSON 27135 S GRIBBLE RD CANBY, OR 97013

 Priority Date
 01/27/2016

 Issue Date
 06/23/2020

 Status
 DENIED

App# G-18836

County/Basin Washington / Willamette (2)
Applicant Name AVVENTURA LLC

AVVENTURA LLC BROWN, BARRETT PO BOX 1280

NORTH PLAINS, OR 97133

 Priority Date
 07/01/2019

 Issue Date
 06/23/2020

 Status
 APPROVED

App# <u>G-18853</u>

County/Basin Grant / John Day (6)

Applicant Name OREGON DEPARTMENT OF TRANSPORTATION

ATTN: KATIE HUBLER

200 HAWTHORNE AVE SE SUITE B240

SALEM, OR 97301

Priority Date 08/09/2019 Issue Date 06/29/2020 Status WITHDRAWN

App# <u>G-18918</u>

County/Basin Harney / Malheur Lake (12)

Applicant Name PUEBLO MOUNTAIN LAND CO. LLC

707 EAST 600 N

RUPERT, ID 83350-9466

Priority Date 02/13/2020 Issue Date 07/09/2020 Status WITHDRAWN

App# <u>LL-1827</u>

County/Basin Clackamas / Sandy (3)

Applicant Name SALMON VALLEY WATER COMPANY

PO BOX 205

WELCHES, OR 97067

 Priority Date
 04/22/2020

 Issue Date
 06/25/2020

 Status
 APPROVED

App# <u>S-86864</u>

County/Basin Polk / Willamette (2)
Applicant Name SETNIKER, DAVID F.

PO BOX 338

INDEPENDENCE, OR 97351

Priority Date 05/14/2007 Issue Date 06/23/2020 Status WITHDRAWN

Expedited Secondary Applications Under HB 2178 (2005)

For expedited secondary applications to use exclusively stored water filed under HB 2178, the public is invited to comment within 30 days of this notice, by **July 30, 2020**. The expedited secondary applications listed below have been filed recently. Any person may raise public interest issues regarding these applications. If public interest issues are raised, the Department may move the application to the standard process and review the application pursuant to ORS 537.153, and issue a Proposed Final Order. If no public issues are raised, the Department may issue a final order and permit without further prior notice.

Comments must identify the specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected by the proposed use, and specifically how the identified public interest would be affected.

POD 1 is the location of the stored water. POD 2 and any additional points are the rediversion point(s).

App# <u>S-88839</u>

County/Basin Jackson / Rogue (15)

Applicant Name THAMES, WARNER RON 9658 UPPER APPLEGATE RD

JACKSONVILLE, OR 97530

Sources/TRSQ40Q160 APPLEGATE RESERVOIR > APPLEGATE RIVER / 40.00S 4.00W 25 SESE

APPLEGATE RIVER > ROGUE RIVER / 40.00S 3.00W 5 NWNE

Use/Quantity IRRIGATION / 0.100 CFS

Priority Date 06/15/2020

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 watermaster district office.

Extension of Time Public Notice and Comment Procedures

Written comments on or written protests against a PFO must be submitted on or before August 14, 2020. There is no fee for submission of comments. The protest filing fee is \$410 for the applicant and \$810 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO.

1.) OAR-690-315

App# G-17056 Permit# G-16535

County/Basin Clackamas / Willamette (2) Applicant Name REARDON, CHRISTOPHER

9580 SE 282ND AVE BORING, OR 97003

Sources/TRSO400160 A WELL > JOHNSON CREEK / 1.00S 4.00E 30 NWSW

Use/Quantity NURSERY USES / 0.170 CFS

App# G-13929 Permit# G-12721

County/Basin Marion, Polk, Yamhill / Willamette (2)

AMITY, OR 97101

Applicant Name PERRYDALE DOMESTIC WATER ASSOCIATION

11475 W PERRYDALE RD

Sources/TRSQ40Q160 WELL A > WILLAMETTE RIVER / 7.00S 5.00W 17 NENE

WELL B > WILLAMETTE RIVER / 7.00S 5.00W 17 NENE WELL C > WILLAMETTE RIVER / 7.00S 5.00W 17 NENE WELL D > WILLAMETTE RIVER / 7.00S 5.00W 17 NENE WELL E > WILLAMETTE RIVER / 7.00S 5.00W 17 NWNE WELL F > WILLAMETTE RIVER / 7.00S 5.00W 17 NWNE WELL G > WILLAMETTE RIVER / 7.00S 5.00W 17 NWNE WELL H > WILLAMETTE RIVER / 7.00S 5.00W 17 SWNE WELL I > WILLAMETTE RIVER / 7.00S 5.00W 17 SWNE WELL J > WILLAMETTE RIVER / 7.00S 5.00W 17 SWNE WELL K > WILLAMETTE RIVER / 7.00S 5.00W 17 SENE WELL L > WILLAMETTE RIVER / 7.00S 5.00W 17 SENE WELL L > WILLAMETTE RIVER / 7.00S 5.00W 17 SENE WELL M > WILLAMETTE RIVER / 7.00S 5.00W 17 SENE WELL N > WILLAMETTE RIVER / 7.00S 5.00W 17 SENE WELL N > WILLAMETTE RIVER / 7.00S 5.00W 17 NESE WELL P > WILLAMETTE RIVER / 7.00S 5.00W 17 NESE WELL P > WILLAMETTE RIVER / 7.00S 5.00W 17 NESE WELL Q > WILLAMETTE RIVER / 7.00S 5.00W 17 NWSE

WELL R > WILLAMETTE RIVER / 7.00S 5.00W 17 NWSE

Use/Quantity QUASI-MUNICIPAL USES / 4.000 CFS

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 July 14, 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# <u>LL-1837</u>

County/Basin Linn / Willamette (2)

Applicant Name KNIFE RIVER CORPORATION - NORTHWEST

ATTN: JEFF STEYAERT 32260 OLD HWY 34 TANGENT, OR 97389

Sources/TRSQ40Q160 AGGREGATE MINE POND > COX CREEK / 11.00S 3.00W 11 SWSW

Use/Quantity INDUSTRIAL/MANUFACTURING USES / 1,375 GPM

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 21, 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# <u>IL-1821</u>

Certificate 9821, 15846, 7434, 6740, 5107, 89748

County/Basin Jackson / Rogue (15)

Lessor MEDFORD WATER COMMISSION

ATTN BRAD TAYLOR 200 S IVY ST, RM 177 MEDFORD, OR 97501-8601

Priority Date 11/27/1916, 12/31/1905, 11/12/1920, 06/10/1920, 10/17/1917, 11/02/1917

Source/Tributary To FOURBIT CREEK / SOUTH FORK BIG BUTTE CREEK

WILLOW CREEK / SOUTH FORK BIG BUTTE CREEK

TWO SPRINGS / FOURBIT CREEK

FOURBIT CREEK / SOUTH FORK BIG BUTTE CREEK

Lease# <u>IL-1822</u> Certificate 62172

County/Basin Marion / Willamette (2) Lessor GUBBELS, ANTHONY

6367 CASCADE HWY NE SILVERTON, OR 97381

Lessor GUBBELS, SHANNON

6367 CASCADE HWY NE SILVERTON, OR 97381

Priority Date 03/03/1982

Source/Tributary To ABIQUA CREEK / PUDDING RIVER

Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation; Additional point of diversion or appropriation; Historic POD; Place of use; Character of use; Instream; Substitution; or Exchange.

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before July 30, 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-13468
Water Right Cert: 13704

County/Basin Wallowa / Grande Ronde (8)
Applicant Name SATURNO, DOUGLAS

SATURNO LAND COMPANY OREGON LLC

41 S PALOUSE STREET WALLA WALLA, WA 99362

Proposed Change POINT OF DIVERSION

Sources/TRSQ40Q160 SWAMP CREEK > PRAIRIE CREEK / 2.00S 45.00E 7 SESE

Use/Quantity IRRIGATION / 0.600 CFS

Priority Date 12/20/1935

Transfer <u>T-13470</u>

Water Right Cert: 91023, 94941

County/Basin Harney / Malheur Lake (12) Applicant Name WEDEL, RONALD

35827 HUTCHENSEN LANE

BURNS, OR 97720

Proposed Change POINT OF APPROPRIATION, USE

Sources/TRSQ40Q160 A WELL > COW CREEK BASIN / 23.00S 32.50E 21 NWNE A WELL > SILVIES RIVER BASIN / 24.00S 32.00E 4 NWSW

Use/Quantity IRRIGATION / 3.330 CFS

IRRIGATION / 1.560 CFS

Priority Date 08/25/2000, 02/27/2014

Transfer $\underline{T-13471}$

Water Right Cert: 39351, 39423
County/Basin Coos / South Coast (17)
Applicant Name MLYNARCZYK, MICHAEL

64225 SOLARI RD COOS BAY, OR 97420

Proposed Change PLACE OF USE, USE

Sources/TRSQ40Q160 SMITH CREEK > COOS RIVER / 25.00S 12.00W 34 NWSE

UNNAMED STREAM > COOS RIVER / 25.00S 12.00W 34 NWSE

Use/Quantity DOMESTIC / 0.060 CFS

DOMESTIC / 0.060 CFS

Priority Date 10/16/1929, 04/17/1970

Transfer T-13472

Water Right Cert: 82743, 91865 County/Basin Baker / Powder (9) Applicant Name RIPPEE, MATT

FAREWELL BEND STATE PARK

23751 OLD HWY 30 HUNTINGTON, OR 97907

Proposed Change POINT OF DIVERSION

Sources/TRSQ40Q160 SNAKE RIVER > COLUMBIA RIVER / 14.00S 45.00E 33 NWSW

SNAKE RIVER > COLUMBIA RIVER / 14.00S 45.00E 33 SWSW SNAKE RIVER > COLUMBIA RIVER / 14.00S 45.00E 33 NESW

Use/Quantity IRRIGATION / 0.300 CFS

IRRIGATION / 0.920 CFS 04/01/1959, 06/27/1966

Transfer T-13474
Water Right Cert: 30928

Priority Date

County/Basin Clackamas / Willamette (2)
Applicant Name CALCAGNO, AMBROSE

CAL FARMS INC

17031 S CLACKAMAS RIVER DR

OREGON CITY, OR 97045

Proposed Change PLACE OF USE

Sources/TRSQ40Q160 CLACKAMAS RIVER > WILLAMETTE RIVER / 2.00S 2.00E 13 SWNE

Use/Quantity IRRIGATION / 0.290 CFS

Priority Date 09/29/1958

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 30, 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-12971 filed by Mike Wampler, Wampler Ranches, PO Box 5144, Klamath Falls, OR 97601, proposes changes in place of use and character of use under Certificates 19959 and 29534. The rights allow the use of up to 5.73 Cubic Feet Per Second (CFS) from Crane Creek in Government Lot 12, Sec. 1, T34S, R6E, W.M. and up to 3.6 CFS from Threemile Creek in Government Lot 19, Sec. 1, T34S, R6E, W.M. for Irrigation and Stock in Sec.1. The applicant proposes to create an instream use in Threemile Creek, at a maximum rate of 1.0 CFS, from the point of diversion to the mouth of Crane Creek and in Crane Creek, at a maximum of 4.24 CFS, from the point of diversion to the mouth of Crane Creek. 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.

<u>T-12909</u> filed by Marc and Pamela Thalacker, 70625 NW Lower Bridge Way, Terrebonne, OR 97760, proposes a change in point of appropriation and a change in place of use under Certificate 75762. The right allows the use of 0.4063 cubic foot per second from a well in Sec. 17, T14S, R12E, WM for supplemental irrigation in Sec. 17, T14S, R12E, WM. The applicant proposes to move the point of appropriation to Sec. 31, T14S, R11E, WM and to change the place of use to Sec. 31, T14S, R11E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-13060 filed by City of Independence, PO Box 7, Independence, OR 97351 proposes additional points of appropriation, a modification in point of appropriation and a modification in place of use of use under Registration Application GR-3183 (Certificate of Registration GR-3141). The registration allows the use of 250 gallons per minute from a well in Sec. 28, T8S, R4W, WM for municipal supply for the City of Independence in Sects. 21, 28 and 29, T8S, R4W, WM. The applicant proposes to add additional points of appropriation in Sec. 28, T8S, R4W, WM, move the point of appropriation in Sec. 28, T8S, R4W, WM, and to change the place of use to the City of Independence Service Area. The Water Resources Department proposes to approve the modification, based on the requirements of ORS Chapter 540 and OAR 690-382-1000.

T-13061 filed by City of Independence, PO Box 7, Independence, OR 97351 proposes additional points of appropriation, a modification in point of appropriation and a modification in place of use under Registration Application G-3184 (Certificate of Registration GR-3142). The registration allows the use of 400 gallons per minute from a well in Sec. 28, T8S, R4W, WM for municipal supply for the City of Independence in Sects. 21, 28 and 29, T8S, R4W, WM. The applicant proposes to add additional points of appropriation in Sec. 28, T8S, R4W, WM to move the point of appropriation in Sec. 28, T8S, R4W, WM, and to change the place of use to the City of Independence Service Area. The Water Resources Department proposes to approve the modification, based on the requirements of ORS Chapter 540 and OAR 690-382-1000.

T-13062 filed by City of Independence, PO Box 7 Independence, OR 97351 proposes additional points of appropriation, a modification in point of appropriation and a modification in place of use under Registration Application T-3185 (Certificate of Registration GR-3143). The registration allows the use of 400 gallons per minute from a well in Sec. 28, T8S, R4W, WM for municipal supply for the City of Independence in Sects. 21, 28 and 29, T8S, R4W, WM. The applicant proposes add additional points of appropriation in Sec. 28, T8S, R4W, WM and to move the point of appropriation in Sec. 28, T8S, R4W, WM, to change the place of use to the City of Independence Service Area. The Water Resources Department proposes to approve the modification, based on the requirements of ORS Chapter 540 and OAR 690-382-1000.

T-13227 filed by Jim Hatley, 64880 E. Birch Creek Rd, Pilot Rock, OR, 97868, proposes changes in place of use and point of diversion under Certificate 2488. Certificate 2488 allows the use of 0.1145 cfs from East Birch Creek, tributary to Birch Creek from a diversion within Sec. 11, T2S, R32E, WM, for irrigation within Sec. 11, T2S, R32E, WM. The applicant proposes to change the point of diversion and place of use within Sec. 11, T2S, R32E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-13151 filed by Warren H. and Bernice S. Bean, 12909 SE 68th Parkway, Ste. 430 Tigard, OR 97223, proposes a point of diversion change under Certificates 90218 and 94129. Certificate 90218 allows the use of 0.12 cfs from the Rock Creek in Sec. 31, T4S, R1E, WM for irrigation in Sec. 31. The applicant proposes to move the point of diversion in Sec. 31, T 4S, R1E, WM for irrigation in Sec. 31. The applicant proposes to move the point of diversion in Sec. 31. T 4S, R1E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-12366 filed by Chandele A. Bowen, PO Box 287, Adrian, OR 97901, proposes a change in point of diversion and a change in place of use under Certificates 4978 and 27852. Certificate 4978 allows the use of 0.51 cubic foot per second (cfs) from the Snake River in Sec. 6, T22S, R47E, WM for irrigation in Sec. 6, T22S, R47E, WM. The applicant proposes to move the point of diversion to Sec. 1, T22S, R46E, WM, and to change the place of use to Sec. 1, T22S, R46E, WM. Certificate 27852 allows the use of 1.08 cfs from the Snake River in Sec. 6, T22S, R47E, WM for irrigation to Sec. 1, T22S, R46E, WM, and supplemental irrigation in Sec. 6, T22S, R47E, WM. The applicant proposes to move the point of diversion in Sec. 1, T 22 S, R 46 E, W.M. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

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-13467

Water Right Cert: 42535, 89189
County/Basin Polk / Willamette (2)
Applicant Name GREEN SPRING FARMS
8930 SUVER RD

MONMOUTH, OR 97361

Proposed Change POINT OF DIVERSION, PLACE OF USE

Sources/TRSQ40Q160 LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 4.00W 18 SESW

LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 4.00W 20 SWNW UNNAMED STREAM > WILLAMETTE RIVER / 9.00S 4.00W 17 NESW UNNAMED STREAM > WILLAMETTE RIVER / 9.00S 4.00W 17 SWSE

Use/Quantity IRRIGATION / 1.580 CFS

IRRIGATION / 1.930 CFS

Priority Date 04/05/1968, 08/20/1973

Transfer <u>T-13469</u>

Water Right Decree: Vol: 3 Page: 127
County/Basin Umatilla / Umatilla (7)
Applicant Name CORREA, DAVID
31777 ANDREWS RD

ECHO, OR 97826 PLACE OF USE

Proposed Change PLACE OF USE Sources/TRSQ40Q160 UMATILLA R >

Use/Quantity IRRIGATION / 16.7600 CFS

Priority Date 01/09/1900

Transfer T-13475
Water Right Cert: 23668

County/Basin Clackamas / Willamette (2) Applicant Name CALCAGNO, AMBROSE

CAL FARMS INC

17031 S CLACKAMAS RIVER DR

OREGON CITY, OR 97045

Proposed Change ADDITIONAL POINT OF DIVERSION, PLACE OF USE

Sources/TRSQ40Q160 CLACKAMAS RIVER > WILLAMETTE RIVER / 2.00S 2.00E 12 SWSW

CLACKAMAS RIVER > WILLAMETTE RIVER / 2.00S 2.00E 13 NWNW

Use/Quantity IRRIGATION / 0.880 CFS

Priority Date 02/18/1953

 $\begin{array}{ll} \text{Transfer} & \underline{\text{T-13476}} \\ \text{Water Right} & \overline{\text{Cert: 24217}} \end{array}$

County/Basin Polk / Willamette (2)
Applicant Name SILBERNAGEL, DOUG
EAGLE EYE FARMS LLC
20095 HUBBARD CUTOFF NE

AURORA, OR 97002

Proposed Change PLACE OF USE

Sources/TRSQ40Q160 RICKREALL CREEK > WILLAMETTE RIVER / 7.00S 5.00W 36 NWNE

Use/Quantity IRRIGATION / 0.360 CFS

Priority Date 02/26/1951

Applications for District Permanent Transfer for Place of Use

A district may request to permanently change the place of use within district boundaries pursuant to ORS 540.580. A petition (application) for a district permanent water right transfer may be submitted subsequent to (specific noticing requirements apply) or prior to the change in place of use, but no later than the end of the calendar year in which the change occurs. The petition may include an unlimited number of place of use transfers within the same petition. Any recently filed Application for District Permanent Water Right Transfer for Place of Use is listed below.

Public comments may be submitted by any person (please follow the instructions on the last page of this public notice). A protest may be filed by any potentially affected holder of an existing water right, either jointly or severally with other persons, provided the protest is not by a user within a district alleging injury to the delivery of water by the district. Each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing. Protests must be accompanied by a \$810 protest fee for non-applicants and a \$410 protest fee for the applicant, and filed in accordance with OAR Chapter 690, Division 2. **Comments or protests must be received by the Department on or before** July 30, 2020.

Pursuant to ORS 540.580(8), if a water user within the district files a protest claiming injury to a water right delivery by the district, no contested case hearing shall be required, but the district shall resolve the matter directly with the water user.

To view the permanent transfer application, click on the link below.

 Transfer
 T-13466

 County
 Umatilla

 Certificate
 89856; 89858

 Priority Date
 3/13/1972

Name EAST IMPROVEMENT DISTRICT Address 3750 SW MARSHALL PLACE

OREGON, 97801

Use IRRIGATION

Source COLUMBIA R > PACIFIC OCEAN

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 2020-02 County Jackson

 Certificate
 83381; 83383; Permit S-4951

 Priority Date
 7/23/1909; 3/31/1910; 6/18/1920;

 Name
 MEDFORD IRRIGATION DISTRICT

Address PO BOX 70

JACKSONVILLE, OR 97535

Use IRRIGATION; SUPPLEMENTAL IRRIGATION

Source NF & SF LITTLE BUTTE CREEKS > LITTLE BUTTE CREEK; SALT CREEK > LITTLE

BUTTE CREEK; FOURMILE LAKE > FOURMILE CREEK; FISH LAKE > NF LITTLE BUTTE CREEK BEAR, LAKE, OSBORNE, YANKEE, ANTELOPE, DRY, ANDERSON, COLEMAN, GRIFFIN, JACKSON, HORN, GRIFFIN, WILLOW, LITTLE BUTTE, > ROGUE

RIVER

Acres: 74.59

Authorized POU: T37S R1W 09 SWNE,SWNW,SENW,NESW,NWSW,SWSW,NWSE; T37S R1W 16 NESW

Proposed POU: T37S R2W 35 SWNW,SENW,NESW,NWSW,SWSW,SESW

Notice of Receipt of Recommendation to Consent to Injury for Water Right Transfer T-12837

T-12837 filed by Andreas and Carole Blech, 1867 Williams Highway #260, Grants Pass, OR 97527, proposes a change in point of diversion, a change in place of use, and a change in character of use under Certificate 3943. The right allows the use of 0.81 cubic foot per second from Grave Creek in Sec. 8, T34S, R5W, WM for irrigation within Sects. 7 and 8, T34S, R5W, WM. The applicant proposes to move the point of diversion in Sec. 8, T34S, R5W, WM and to change the place of use to Sects. 7 and 8, T34S, R5W, WM and to change the character of use to mining uses.

The applicant proposes to move the point of diversion approximately 560 feet upstream on Grave Creek in Sec. 8, T34S, R5W, WM. The Water Resources Department determined that the transfer would injure instream water right Certificate 72697. The Oregon Department of Fish and Wildlife (ODFW) concluded that the transfer would result in net benefits to the resource if conditioned as follows:

- a. ODFW recommends the transfer applicant (permittee) comply with terms of the associated Mitigation Proposal to minimize detrimental impacts to fish, wildlife, and/or their habitat. ODFW understands that the mitigation and following conditions will be fully incorporated into the requirements of the new certificate and may only be altered by written mutual agreement of all parties. ODFW recommends:
 - Regulation of the use and/or possible cancellation of the certificate if the required mitigation is not maintained. This recommendation to consent to injury is contingent upon: implementation of the mitigation measures outlined in the attached Mitigation Plan prior to diversion of water. The Mitigation Plan can be found at:
 https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_transfer_centric.aspx?transfer_nbr=12837&transfer_char=T
- b. As required by ORS 509.585, the permittee (transfer applicant) shall not construct, operate, or maintain any dam or artificial obstruction to fish passage without obtaining approval from the Oregon Department of Fish and Wildlife (ODFW). The permittee is hereby directed to contact an ODFW Fish Passage Coordinator **prior to construction** of any in-channel obstruction or <u>prior to diversion</u> of water that may create an artificial obstruction due to low flow.
- c. The permittee (transfer applicant) shall install, maintain, and operate fish screening on the new point of diversion consistent with current ODFW standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional, and approved in writing by ODFW **prior to diversion** of water. The permittee is hereby directed to contact the ODFW Fish Screening Coordinator prior to diversion of water.
- d. If the riparian area is disturbed in the process of *developing the new point of diversion*, the permittee (transfer applicant) shall be responsible for restoration and enhancement of such riparian area in accordance with the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. **Prior to**development of the new point of diversion, the permittee shall submit, to the Oregon Water Resources

 Department, a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee shall maintain the riparian area for the life of the permit and subsequent certificate per the approved Riparian Mitigation Plan. If ODFW determines the riparian area is not being maintained, and is unsuccessful in working with the water user to fulfill the obligation, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the mitigation is sufficient. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to development of the new point of diversion.

- e. Construction must occur during the established in-water work period (June 15 to September 15) unless otherwise approved by ODFW.
- f. Site-specific condition(s): <u>Riparian plantings in Mitigation Action 4 must be maintained to ensure a minimum 80% survival five years post-implementation.</u>

Copies of the OWRD's Preliminary Determination proposing approval of the transfer and ODFW's recommendations are available for viewing at the Salem office of the Water Resources Department. Any person may review the recommendation and submit written comments or may submit a written request for a public meeting to review the recommendation. The comments or request for a meeting must be received by OWRD on or before July 30, 2020.

OWRD will provide copies of any comments submitted in response to this notice to ODFW. If a meeting is requested, OWRD will schedule a joint public meeting with ODFW to review the recommendation. To review the recommendation, contact Corey Courchane at 503-986-0825 or e-mail corey.a.courchane@oregon.gov. Written comments and requests for a public meeting should be mailed to Attn: Corey Courchane, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1266 or faxed to 503-986-0901.

Water Management and Conservation Plan Progress Reports

Pursuant to OAR 690-086-0120(4) and (5), the Department is required to give notice of progress reports on Water Management and Conservation Plans.

Any person may review and comment on these progress reports. The Department requests that comments be submitted no later than 30 days after the date of this notice.

Progress reports have been submitted by the following municipal supplier(s):

City of Veneta (Municipal)

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

Certificate Issuance

Following is a list of certificates that have been recently issued. If you are viewing this electronically then you should be able to view the certificate by clicking on the underlined blue text. Appeal rights are provided on each certificate document.

Cert# <u>95144</u> Xfer: <u>T-8919</u>

County/Basin Washington / Willamette (2)

Applicant Name PROVIDENCE HOLDINGS HILLSBORO LLC

Priority Date 01/22/1952 Issue Date 06/24/2020

Cert# <u>95145</u> Xfer: T-8919

County/Basin Washington / Willamette (2)

Applicant Name PROVIDENCE HOLDINGS HILLSBORO LLC

Priority Date 08/01/1955 Issue Date 06/24/2020

Cert# <u>95146</u> Xfer: <u>T-8919</u>

County/Basin Washington / Willamette (2)

Applicant Name PROVIDENCE HOLDINGS HILLSBORO LLC

Priority Date 08/01/1955 Issue Date 06/24/2020

Cert# <u>95147</u> Xfer: T-8919

County/Basin Washington / Willamette (2)

Applicant Name PROVIDENCE HOLDINGS HILLSBORO LLC

Priority Date 04/24/1968 Issue Date 06/24/2020

Cert# <u>95148</u> Xfer: T-8919

County/Basin Washington / Willamette (2)

Applicant Name PROVIDENCE HOLDINGS HILLSBORO LLC

Priority Date 08/17/1956 Issue Date 06/24/2020

Proposed Final Order for a Minor Hydroelectric Project

The Department seeks public comment on the following Proposed Final Order to develop hydroelectric use (ORS 537.145, 537.283 and OAR 690-051.). Comments must be submitted within 60 days of publication of the notice. The Proposed Final Order and Draft Certificate may be viewed at the Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you would like a copy of the Proposed Final Order and Draft Certificate please contact R. Craig Kohanek (503) 986-0823. A copying fee will be assessed as allowed in Oregon Revised Statute (ORS) Chapter 536.050(1)(e).

Application: PC 909

Applicant: Middle Fork Irrigation District
Address: 8235 Clear Creek Road
Amount of water: 0.01 cubic feet per second

Source of water: Laurence Lake, tributary to Clear Creek

Location of the

Point of Diversion: NW 1/4 NE 1/4 of Section 27, Township 1 South, Range 9 East, W.M., Hood River

County

Place of Use: NW 1/4 NE 1/4 of Section 27, Township 1 South, Range 9 East, W.M., Hood River County

Power developed: 1 Theoretical horsepower, with the electricity will be used onsite to power monitoring equipment.

Comments are Due August 28, 2020.

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

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	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, at the local watermaster office, or online.