

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
December 8, 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 Preliminary Determinations**
Requests to change point of diversion or appropriation, place of use, and character of use upon which the public may protest the application and Department's preliminary determination.
- * **Transfer Applications: District Permanent for Place of Use - ORS 540.580**
Petitions requesting permanent changes in place(s) of use within a district's boundary.

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.

- * **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.
- * **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.

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

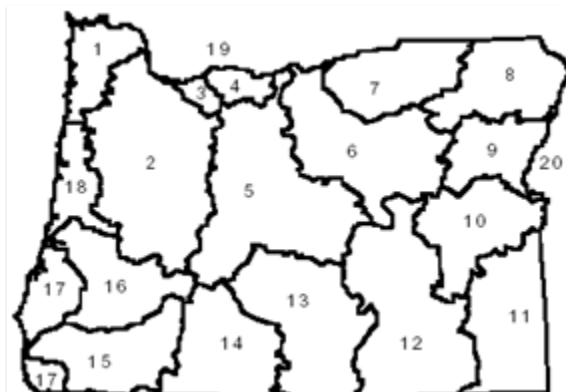
AF: Acre-feet

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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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-18866 |
| County/Basin | Marion / Willamette (2) |
| Applicant Name | PORTLAND HORTLAND LLC C/O JON DENNEY PO BOX 820524 VANCOUVER, WA 98682 |
| Priority Date | 09/26/2019 |
| Issue Date | 12/10/2020 |
| Status | WITHDRAWN |
| App# | G-18997 |
| County/Basin | Yamhill / Willamette (2) |
| Applicant Name | ABG OREGON VINEYARDS LLC ATTN: BRANDON ACKLEY 600 UNIVERSITY ST SUITE 902 SEATTLE, WA 98101 |
| Priority Date | 06/22/2020 |
| Issue Date | 12/04/2020 |
| Status | APPROVED |
| App# | R-86602 |
| County/Basin | Josephine / Rogue (15) |
| Applicant Name | ALBERT, BRUCE 6010 DONALDSON RD GRANTS PASS, OR 97526 |
| Priority Date | 05/19/2006 |
| Issue Date | 12/08/2020 |
| Status | REINSTATED |
| App# | S-88853 |
| County/Basin | Lane / Willamette (2) |
| Applicant Name | ROYAL BLUEBERRIES 28718 ROYAL AVE EUGENE, OR 97402 |
| Priority Date | 07/29/2020 |
| Issue Date | 12/04/2020 |
| Status | APPROVED |
| App# | S-88862 |
| County/Basin | Marion / Willamette (2) |
| Applicant Name | SIDNEY IRRIGATION COOPERATIVE PO BOX 736 JEFFERSON, OR 97352 |
| Priority Date | 08/17/2020 |
| Issue Date | 12/04/2020 |
| Status | APPROVED |

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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 **January 07, 2021**. The expedited secondary applications listed below have been filed recently. Any person may raise public interest issues regarding these applications. If public interest issues are raised, the Department may move the application to the standard process and review the application pursuant to ORS 537.153, and issue a Proposed Final Order. If no public issues are raised, the Department may issue a final order and permit without further prior notice.

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

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

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| App# | S-88895 |
| County/Basin | Yamhill / Willamette (2) |
| Applicant Name | KA BERGER FARMS INC. ATTN: REBECCA BERGER PO BOX 1359 HILLSBORO, OR 97123 |
| Sources/TRSQ40Q160 | A RESERVOIR > DEER CREEK / 5.00S 5.00W 22 NWSE |
| Use/Quantity | IRRIGATION / 25.000 AF |
| Priority Date | 11/10/2020 |
| App# | S-88897 |
| County/Basin | Baker / Powder (9) |
| Applicant Name | CARUCCI FAMILY IRREVOCABLE TRUST 265 CLINTON ST WHITESBORO, NY 13492 |
| Sources/TRSQ40Q160 | A RESERVOIR > EAGLE CREEK / 8.00S 44.00E 15 NWSW |
| Use/Quantity | IRRIGATION / 0.250 AF |
| Priority Date | 11/23/2020 |

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**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 January 07, 2021. 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 \$30 (the charge required by law). Please indicate the file number. Copies of the proposed final order may be viewed at the Department and/or self-copied. Individuals wishing to obtain a copy of the extension application should contact the Department by phone or in person.

App# [G-13706](#)
Permit Number G-13005
County/Basin Klamath / Klamath (14)
Applicant Name DROST LAND CO. LLC
24624 SCHAUPP RD
KLAMATH FALLS, OR 97603
Sources/TRSQ40Q160 A WELL > LOST RIVER BASIN / 40.00S 11.00E 2 SWSW
Use/Quantity IRRIGATION / 2.680 CFS
Proposed Completion Date 10/01/2021

App# [G-15838](#)
Permit Number G-15489
County/Basin Yamhill / Willamette (2)
Applicant Name REVANA, DR MADALIAH
5118 TANGLE LANE
HOUSTON, TX 77056
Sources/TRSQ40Q160 A WELL > CHEHALEM CREEK / 3.00S 3.00W 20 NENE
Use/Quantity IRRIGATION / 0.110 CFS
Proposed Completion Date 10/01/2025

App# [S-74012](#)
Permit Number S-52994
County/Basin Curry / South Coast (17)
Applicant Name ARRIOLA, BRIAN
ARRIOLA, KYLE E.
1365 NUTMEG ST
COQUILLE, OR 97423

MCKENZIE FAMILY PROPERTIES LLC
PO BOX 281
SIXES, OR 97476

NORTHWEST FARM CREDIT SERVICES FLCA
2222 NW KLINE ST
ROSEBURG, OR 97471-0356
Sources/TRSQ40Q160 RES 1 > FLORAS LAKE / 31.00S 15.00W 29 NWSW
RES 2 > FLORAS LAKE / 31.00S 15.00W 32 NWNW
Use/Quantity CRANBERRY / 125.000 AF
Proposed Completion Date 10/01/2021

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Proposed Final Orders Regarding Applications for Extensions of Time for Water Right Permits

ORS 537.230, 537.248, 537.630 and 539.010 authorize the Water Resources Department to extend time limits contained in water right permits for completing construction of water development projects and applying water to full beneficial use. Procedures for permit holders to apply for extensions and for the Department to evaluate and determine whether or not to approve extensions of time are contained in OAR 690-320-0010 for extensions filed before July 1, 2001, and in OAR 690-315-0010 for extensions filed on or after July 1, 2001.

Proposed Final Orders (PFO's) are the Department's preliminary decision on extension requests. They document the agency's decision through specific findings. Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$25. (Any person paying to receive a PFO by mail will also receive a copy of the Final Order when it is issued). PFO's may be viewed for free at the Department's Salem Office or at the appropriate 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 January 22, 2021. 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.

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| App# | R-87241 |
| Permit# | R-14721 |
| County/Basin | Clackamas / Willamette (2) |
| Applicant Name | ENGLUND, MARK AND CAROL 22085 S SALING RD ESTACADA, OR 97023 |
| Sources/TRSQ40Q160 Use/Quantity | RUNOFF > CLACKAMAS RIVER / 3.00S 4.00E 29 NWNW MULTIPLE PURPOSE / 4.000 AF |
| App# | S-55338 |
| Permit# | S-42117 |
| County/Basin | Lane / Willamette (2) |
| Applicant Name | CITY OF COTTAGE GROVE 400 E MAIN ST COTTAGE GROVE, OR 97424 |
| Sources/TRSQ40Q160 Use/Quantity | ROW RIVER > COAST FORK WILLAMETTE RIVER / 20.00S 3.00W 35 NWNW MUNICIPAL USES / 3.100 CFS |

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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 December 22, 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.”

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| App# | LL-1857 |
| County/Basin | Curry / South Coast (17) |
| Applicant Name | HAMMARGREN, DWIGHT AND JENNIFER 18290 TIMEUS RANCH ROAD BROOKINGS, OR 97415 |
| Sources/TRSQ40Q160 | A SPRING > SHIGH CREEK / 40.00S 13.00W 19 NWNE |
| Use/Quantity | DOMESTIC EXPANDED / 0.49 GPM |

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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 December 29, 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 Sarah Henderson at 503-986-0884 or Sarah.A.Henderson@oregon.gov .

Lease: [IL-108](#)
Certificate 4120
County/Basin Baker/Powder
Lessor Warm Springs Hydro LLC
711 East Turtle Point Drive
Ivins, UT 84738
Priority Date 4/11/1902
Source/Tributary to Rock Creek, tributary to Powder River
Instream Period 2021-2025

Lease: [IL-1770](#)
Certificate 51229
County/Basin Deschutes/Deschutes
Lessor North Unit Irrigation District
2024 NW Beech Street
Madras, OR 97741
Priority Date 2/28/1913
Source/Tributary to Deschutes River, tributary of Columbia River
Instream Period 2020-2021

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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 January 07, 2021, 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-13271](#) filed by Rogue Valley Group, LLC, 2014 SE 9th Ave., Portland, OR 97214, proposes a change in character of use from supplemental to primary, a change in character of use to nursery, and a change in place of use under Certificate 91039. The right allows the use of 0.133 cubic foot per second from two wells in Sec. 6, T39S, R5W, WM for irrigation, supplemental irrigation, and domestic use for one household including lawn and non-commercial garden not to exceed one-half acre in area in Sec. 6, T39S, R5W, WM. The applicant proposes to change the place of use within Sec. 6, T39S, R5W, WM, and to change the character of use to nursery use. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

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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 January 07, 2021.**

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.

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| Transfer | T-13562 |
| County | Washington |
| Certificate | 88122 IN THE NAME OF THE U.S. BUREAU OF RECLAMATION |
| Priority Date | 2/20/1963 |
| Name | TUALATIN VALLEY IRRIGATION DISTRICT |
| Address | 2330 ELM ST FOREST GROVE, OR 97116 |
| Use | IRRIGATION |
| Source | SCOGGINS CR, GALES CR, SCOGGINS RES/HENRY HAG LK > TUALATIN R; TUALATIN R > WILLAMETTE R |

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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 January 07, 2021.

The plans may be viewed electronically at [WMCP Public Notice](#). 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 Wallowa (Municipal)

City of Willamina (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.

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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):

Pacific City Joint Water-Sanitary Authority (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.

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OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
December 8, 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)*

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Your Name, Address, and Phone Number:

* We are required by law to charge a fee of \$30 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 \$30 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.

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