

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
January 5, 2021

*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.
- * **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: District Permanent for Place of Use - ORS 540.580**
Petitions requesting permanent changes in place(s) of use within a district's boundary.
- * **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

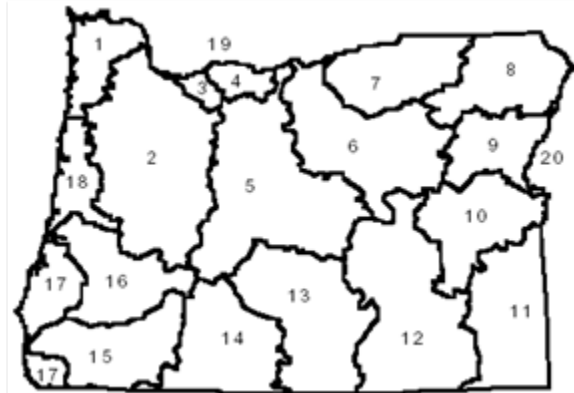
Unit of measure:

- 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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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, February 04, 2021. 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, February 19, 2021.

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

****There are no Initial Reviews or Proposed Final Orders that were issued during the week of 12/30/2020 – 1/5/2021****

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#	LL-1848
County/Basin	Umatilla / Umatilla (7)
Applicant Name	HUDSON BAY DISTRICT IMPROVEMENT COMPANY PO BOX 110 MILTON FREEWATER, OR 97862
	WALLA WALLA BASIN WATERSHED COUNCIL 810 S MAIN ST MILTON FREEWATER, OR 97862
Priority Date	09/04/2020
Issue Date	01/04/2021
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 March 06, 2021.

App# [R-88902](#)
County/Basin Douglas / Umpqua (16)
Applicant Name BRADY, JOHN AND SHELLY
3636 SW 22ND COURT
GRESHAM, OR 97080
Sources/TRSQ40Q160 RUNOFF > UMPQUA RIVER / 26.00S 7.00W 13 NESW
Use/Quantity MULTIPLE PURPOSE / 0.900 AF
Priority Date 12/17/2020

App# [R-88903](#)
County/Basin Douglas / Umpqua (16)
Applicant Name HUDSON, MARGARITA
3656 CANYONVILLE RIDDLE RD
RIDDLE, OR 97469
Sources/TRSQ40Q160 RUNOFF > SHOESTRING CREEK / 30.00S 5.00W 30 SWNW
Use/Quantity MULTIPLE PURPOSE / 4.600 AF
Priority Date 12/17/2020

App# [R-88906](#)
County/Basin Douglas / Umpqua (16)
Applicant Name GLOVER REVOCABLE TRUST
5737 MELQUA RD
ROSEBURG, OR 97471
Sources/TRSQ40Q160 RUNOFF > UMPQUA RIVER / 26.00S 7.00W 13 SESW
Use/Quantity MULTIPLE PURPOSE / 0.720 AF
Priority Date 12/21/2020

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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 February 19, 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.

App#	S-70272
Permit#	S-51017
County/Basin	Morrow, Umatilla / Umatilla (7)
Applicant Name	AXA EQUITABLE AGRIFINANCE LLC AXA EQUITABLE LIFE INSURANCE CO. 4333 EDGEWOOD RD NE CEDAR RAPIDS, IA 52499-5223
	MADISON RANCHES INC. 29299 MADISON RD ECHO, OR 97826
Sources/TRSQ40Q160	COLUMBIA RIVER > PACIFIC OCEAN / 4.00N 25.00E 2 NENW COLUMBIA RIVER > PACIFIC OCEAN / 5.00N 27.00E 13 NWSW COLUMBIA RIVER > PACIFIC OCEAN / 5.00N 28.00E 10 NESE
Use/Quantity	IRRIGATION / 33.420 CFS
App#	G-13706
Permit#	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

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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 January 26, 2021. 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#	IL-1831
Certificate	24569
County/Basin	Benton, Linn / Willamette (2)
Lessor	HOLLINGSWORTH AND VOSE COMPANY; ATTN CINDY FROST 1115 SE CRYSTAL LAKE DR CORVALLIS, OR 97333
Priority Date	08/24/1956
Source/Tributary To	WILLAMETTE RIVER / COLUMBIA RIVER

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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 February 04, 2021. 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-13581
Water Right	Cert: 66259
County/Basin	Grant / John Day (6)
Applicant Name	HETTINGA, PÉTER C. PO BOX 322 DAYVILLE, OR 97825
Proposed Change	ADDITIONAL POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	JOHN DAY RIVER > COLUMBIA RIVER / 12.00S 26.00E 27 SESE
Use/Quantity	SUPPLEMENTAL IRRIGATION / 1.390 CFS
Priority Date	08/05/1981

Transfer	T-13583
Water Right	Cert: 94958
County/Basin	Deschutes / Deschutes (5)
Applicant Name	THE TREE FARM LLC 409 FRANKLIN AVE BEND, OR 97703
Proposed Change	POINT OF APPROPRIATION, PLACE OF USE
Sources/TRSQ40Q160	A WELL > DESCHUTES BASIN / 17.00S 11.00E 35 NWSE
Use/Quantity	QUASI-MUNICIPAL USES / 0.780 CFS
Priority Date	01/30/1995

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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 February 04, 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-13242](#) filed by ISCC Nursery INC., 16918 Mountain View Lane NE, Woodburn, OR 97071, proposes a modification of point of appropriation and a modification in the place of use under Registration Application GR 1535 (Certificate of Registration GR-1478). The registration allows the use of 74.6 gallons per minute from a well in Sec. 5, T 5 S, R1W, WM for irrigation in Sects. 5 and 8. The applicant proposes to move the point of appropriation to Sec. 2, T 5 S, R2W, WM. and to change the place of use to Sec. 2, T 5 S, R 2W, WM. The Water Resources Department proposes to approve the modifications, based on the requirements of ORS Chapter 540 and OAR 690-382-1000.

[T-13181](#) filed by Weyerhaeuser Co/Aurora Forest Nursery, 6051 S Lone Elder Rd, Aurora, OR 97002, proposes additional points of appropriation and changes in place of use under Certificates 72472 and 72754. Certificate 72472 allows the use of 0.06 cubic foot per second (cfs) for primary irrigation and 0.06 cfs for supplemental irrigation from wells in Sects. 7 and 18, T4S, R1E, WM for irrigation in Sec.7. Certificate 72754 allows the use of 0.72 cfs for frost protection in Sec 7, T4S, R1E, WM. The applicant proposes additional points of appropriation in Sects. 7 and 12, T4S, R1E, WM and to change the place of use to Sec. 7, T4S, 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-13368](#) filed by Northstar Communities, LLC, Karl Ivanov, Member, 9550 SE Clackamas Road, Clackamas, OR 97015, proposes a modification in the point of appropriation and place of use under Registration Application GR-305 (Certificate of Registration GR-284). The registration allows the use of 120.4 gallons per minute from a well in Sec. 32, T6S, R2W, WM for irrigation in Sec. 32. The applicant proposes to move the point of appropriation within Sec. 32, T6S, R2W, WM and to change the place of use within Sec. 32, T6S, R2W, WM. The Water Resources Department proposes to approve the modification, based on the requirements of ORS Chapter 540 and OAR 690-382-1000.

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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-13582
Water Right	Cert: 86783
County/Basin	Lane / Willamette (2)
Applicant Name	DECK, JOHN PO BOX 565 JUNCTION CITY, OR 97448
Proposed Change	POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	OWENS CREEK > BEAR CREEK / 16.00S 5.00W 6 NWNE
Use/Quantity	IRRIGATION / 0.800 CFS
Priority Date	04/30/1928

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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 February 04, 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.

Transfer	T-13584
County	Deschutes
Certificate	74145
Priority Date	09/01/1899
Name	SWALLEY IRRIGATION DISTRICT
Address	64672 COOK AVE, SUITE 1 BEND, OR 97703
Use	IRRIGATION
Source	DESCHUTES R > COLUMBIA R

Transfer	T-13585
County	Deschutes
Certificate	79212
Priority Date	5/23/1912; 9/6/1915
Name	TALENT IRRIGATION DISTRICT
Address	PO BOX 467 TALENT, OR 97540
Use	IRRIGATION AND SUPPLEMENTAL IRRIGATION
Source	EMIGRANT RES & EMIGRANT CR > BEAR CR; S FK LITTLE BUTTE CR > LITTLE BUTTE CR; CONDE CREEK & DEAD INDIAN CREEK & DALEY CR & BEAVER DAM CR & POLE BRIDGE CR & DEADWOOD CR > S FK LITTLE BUTTE CR; KEEN CR and KEEN CR/HYATT RES & GRIZZLY CR and HOWARD PRAIRIE RES > JENNY CR

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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):

City of Harrisburg (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
January 5, 2021

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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