

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
February 2, 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](http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21)*

This publication lists agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests in this week's Public Notice include:

- \* **Permit Application Initial Reviews, Proposed Final Orders, and Final Orders**  
Applications for permits to use, store, divert or pump surface water or groundwater. Includes applications by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
- \* **Applications for Extensions of Time to Perfect Water Right Permits**  
New applications received and proposed final orders regarding requests to extend time limits to fully develop water use projects and beneficially apply water.
- \* **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.
- \* **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.
- \* **Certificate Issuance**  
Included in this section is a listing of recently issued water right certificates.

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](mailto:Tonya.L.Miller@oregon.gov)

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

## 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**

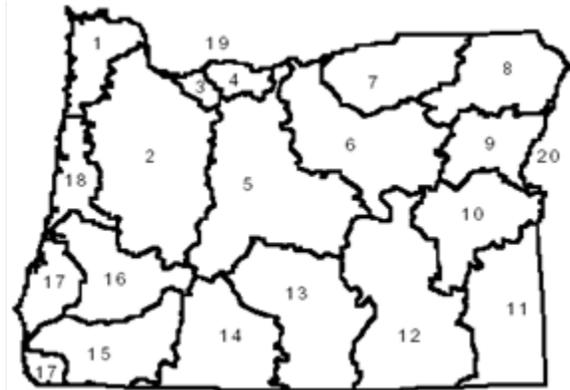
Unit of measure:

- 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, March 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, March 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

App# [S-88904](#)  
County/Basin Douglas / Umpqua (16)  
Applicant Name MCARTHUR-WIDMANN, ROBIN  
WIDMANN, MICHAEL  
1454 ECHO DR  
ROSEBURG, OR 97470  
Sources/TRSQ40Q160 NORTH UMPQUA RIVER > UMPQUA RIVER / 26.00S 5.00W 23 NWNW  
Use/Quantity DOMESTIC EXPANDED / 0.010 CFS  
Priority Date 12/18/2020  
Stage/Status IR / PROPOSE TO APPROVE

App# [R-88908](#)  
County/Basin Union / Grande Ronde (8)  
Applicant Name BOISE CASCADE WOOD PRODUCTS LLC  
ATTN: RHONDA SMITH  
90 S 21ST ST  
ELGIN, OR 97827  
Sources/TRSQ40Q160 WASTE WATER > PHILLIPS CREEK / 1.00N 39.00E 16 SESE  
WASTE WATER > PHILLIPS CREEK / 1.00N 39.00E 15 SWSW  
WASTE WATER > GRANDE RONDE RIVER / 1.00N 39.00E 16 SWSE  
WASTE WATER > GRANDE RONDE RIVER / 1.00N 39.00E 21 NENE  
Use/Quantity STORAGE / 220.800 AF  
Priority Date 12/23/2020  
Stage/Status IR / PROPOSE TO APPROVE

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## Final Orders - Permit & Limited License Applications

Following is a list of applications for new appropriations that have had final orders issued recently. If you would like a hard copy of an order mailed to you, send a request with \$30.00 for each order to the Water Rights Section, Oregon Water Resources Department, 725 Summer Street NE Suite A, Salem OR 97301. If you have any questions, please contact the Department's customer service staff by dialing 503-986-0801.

App# [G-18739](#)  
County/Basin Marion / Willamette (2)  
Applicant Name WEYERHAEUSER NR CO.  
16014 PLETZER RD SE  
TURNER, OR 97392  
Priority Date 09/28/2018  
Issue Date 01/29/2021  
Status APPROVED

App# [G-18767](#)  
County/Basin Deschutes / Deschutes (5)  
Applicant Name HOPMANN, LINDA  
64711 OTTER RUN LANE  
BEND, OR 97703  
TOTAL LIVING ORGANIC FARMS LLC  
65320 HIGHWAY 20  
BEND, OR 97703  
Priority Date 12/03/2018  
Issue Date 01/29/2021  
Status APPROVED

App# [G-18778](#)  
County/Basin Yamhill / Willamette (2)  
Applicant Name STE MICHELLE WINE ESTATES  
HWY 221 COLUMBIA CREST DR  
PATERSON, WA 99345  
Priority Date 01/15/2019  
Issue Date 01/29/2021  
Status APPROVED

App# [G-18824](#)  
County/Basin Lane / Willamette (2)  
Applicant Name SOUTH LANE SCHOOL DISTRICT KENNEDY HIGH SCHOOL  
79980 N DELIGHT VALLEY SCHOOL RD  
COTTAGE GROVE, OR 97424  
Priority Date 05/20/2019  
Issue Date 01/29/2021  
Status APPROVED

App# [G-18859](#)  
County/Basin Yamhill / Willamette (2)  
Applicant Name ABG OREGON VINEYARDS LLC  
ATTN: BRANDON ACKLEY  
600 UNIVERSITY ST SUITE 902  
SEATTLE, WA 98101  
Priority Date 09/03/2019  
Issue Date 01/26/2021  
Status APPROVED

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App# [G-18901](#)  
County/Basin Crook / Deschutes (5)  
Applicant Name KASTOR, RANCE  
8360 NE MEADOW RIDGE RD  
PRINEVILLE, OR 97754  
Priority Date 01/06/2020  
Issue Date 01/29/2021  
Status APPROVED

App# [G-18923](#)  
County/Basin Marion / Willamette (2)  
Applicant Name STAUFFER FARM INC.  
13851 STAUFFER RD NE  
HUBBARD, OR 97032  
Priority Date 03/04/2020  
Issue Date 01/29/2021  
Status APPROVED

App# [G-18958](#)  
County/Basin Washington / Willamette (2)  
Applicant Name BIENVENU, KATHY  
425 CRESS ST  
LAGUNA BEACH, CA 92651  
CAPPOEN ROAD VINEYARD LLC  
19820 SW COPPOEN ROAD  
SHERWOOD, OR 97140  
Priority Date 04/08/2020  
Issue Date 01/29/2021  
Status APPROVED

App# [G-18960](#)  
County/Basin Marion / Willamette (2)  
Applicant Name LAYTON, KATHY  
10268 CHAMPOEG RD NE  
AURORA, OR 97002  
Priority Date 04/10/2020  
Issue Date 01/29/2021  
Status APPROVED

App# [LL-1843](#)  
County/Basin Union / Grande Ronde (8)  
Applicant Name BOISE CASCADE WOOD PRODUCTS LLC  
ATTN: RHONDA SMITH  
90 S 21ST ST  
ELGIN, OR 97827  
Issue Date 01/26/2021  
Status APPROVED

App# [LL-1844](#)  
County/Basin Union / Grande Ronde (8)  
Applicant Name BOISE CASCADE WOOD PRODUCTS LLC  
ATTN: RHONDA SMITH  
90 S 21ST ST  
ELGIN, OR 97827  
Issue Date 01/26/2021  
Status APPROVED

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App# [LL-1847](#)  
 County/Basin Coos / South Coast (17)  
 Applicant Name COOS RIDERS ASSOCIATION  
 PO BOX 473  
 BANDON, OR 97411  
 Issue Date 01/29/2021  
 Status APPROVED

App# [R-88732](#)  
 County/Basin Washington / Willamette (2)  
 Applicant Name CLAREMONT GOLF CLUB DBA CLAREMONT CIVIC ASSOCIATION  
 15800 NW COUNTRY CLUB DR  
 PORTLAND, OR 97229  
 Priority Date 08/15/2019  
 Issue Date 01/28/2021  
 Status APPROVED

App# [R-88775](#)  
 County/Basin Douglas / Umpqua (16)  
 Applicant Name MAST, JARED  
 19678 LOWER SMITH RIVER RD  
 REEDSPORT, OR 97467  
 Priority Date 11/04/2019  
 Issue Date 01/26/2021  
 Status APPROVED

App# [R-88809](#)  
 County/Basin Yamhill / Willamette (2)  
 Applicant Name PETRIE, ERIC  
 21001 SW JAQUITH RD  
 NEWBERG, OR 97132  
 Priority Date 02/13/2020  
 Issue Date 01/26/2021  
 Status APPROVED

App# [R-88879](#)  
 County/Basin Douglas / Umpqua (16)  
 Applicant Name LONG, MICHAEL  
 729 YEUST RD  
 AZALEA, OR 97410  
 Priority Date 10/08/2020  
 Issue Date 01/26/2021  
 Status APPROVED

App# [R-88883](#)  
 County/Basin Douglas / Umpqua (16)  
 Applicant Name KNIGHT, EDWIN  
 1730 GAZLEY RD  
 MYRTLE CREEK, OR 97457  
 Priority Date 10/15/2020  
 Issue Date 01/29/2021  
 Status APPROVED

App# [R-88888](#)  
 County/Basin Benton / Willamette (2)  
 Applicant Name SPIES REAL ESTATE GROUP LLC  
 PO BOX 548  
 CORVALLIS, OR 97339  
 Priority Date 10/22/2020  
 Issue Date 01/29/2021  
 Status APPROVED

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App# [S-88782](#)  
County/Basin Polk / Willamette (2)  
Applicant Name PIKE, DONALD  
12380 MYERS RD  
DALLAS, OR 97338  
Priority Date 11/26/2019  
Issue Date 01/26/2021  
Status APPROVED

App# [S-88787](#)  
County/Basin Josephine / Rogue (15)  
Applicant Name NORTH VALLEY FARMS LLC  
STEWART, JOE M.  
1651 PLEASANT VALLEY DR  
MERLIN, OR 97532  
Priority Date 12/16/2019  
Issue Date 01/29/2021  
Status APPROVED

App# [S-88791](#)  
County/Basin Polk / Willamette (2)  
Applicant Name BJORNSON, MARK  
3635 BETHEL HEIGHTS RD NW  
SALEM, OR 97304  
Priority Date 01/16/2020  
Issue Date 01/26/2021  
Status APPROVED

App# [S-88816](#)  
County/Basin Benton / Willamette (2)  
Applicant Name GORACKE, PEGGY  
26861 DAWSON RD  
MONROE, OR 97456  
Priority Date 03/10/2020  
Issue Date 01/26/2021  
Status APPROVED

App# [S-88829](#)  
County/Basin Wasco / Hood (4)  
Applicant Name HARGRAVE, RUSSELL  
1960 DRY CREEK RD  
MOSIER, OR 97040  
HARGRAVE, RUSSELL  
PO BOX 453  
MOSIER, OR 97040  
Priority Date 04/29/2020  
Issue Date 01/26/2021  
Status APPROVED

App# [S-88880](#)  
County/Basin Douglas / Umpqua (16)  
Applicant Name LONG, MICHAEL  
729 YEUST RD  
AZALEA, OR 97410  
Priority Date 10/08/2020  
Issue Date 01/26/2021  
Status APPROVED

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App# [S-88885](#)  
County/Basin Jackson / Rogue (15)  
Applicant Name WHEELER, CARL  
1661 HWY 238  
JACKSONVILLE, OR 97530  
Priority Date 10/15/2020  
Issue Date 01/26/2021  
Status APPROVED

App# [S-88889](#)  
County/Basin Jackson / Rogue (15)  
Applicant Name RAMSAY, SHANE  
RAMSAY-COOTS, MARCIA  
306 PARK DR  
SHADY COVE, OR 97539  
Priority Date 10/29/2020  
Issue Date 01/26/2021  
Status APPROVED

App# [S-88895](#)  
County/Basin Yamhill / Willamette (2)  
Applicant Name K A BERGER FARMS INC.  
ATTN: REBECCA BERGER  
PO BOX 1359  
HILLSBORO, OR 97123  
Priority Date 11/10/2020  
Issue Date 01/29/2021  
Status APPROVED

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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 March 04, 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#	<a href="#">G-17710</a>
Permit Number	G-17261
County/Basin	Lane / Willamette (2)
Applicant Name	PARTRIDGE, LINDA K. PO BOX 41 WALTERVILLE, OR 97489
Sources/TRSQ40Q160	A WELL > WALTERVILLE CANAL / 17.00S 1.00W 23 NWSE
Use/Quantity	IRRIGATION / 0.170 CFS
Proposed Completion Date	10/01/2025

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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 February 23, 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#	<a href="#">IL-1836</a>
Certificate	5749, 58972
County/Basin	Wasco / Deschutes (5)
Lessor	JUSTESEN, TATE DBA JUSTESEN BROTHERS 2211 SW FIRST AVE UNIT 301 PORTLAND, OR 97201
Lessor	JUSTESEN, ROY JON 2954 KASISTO RD HOOD RIVER, OR 97031
Lessor	JUSTESEN, ZACK PO BOX 2 KENT, OR 97033
Lessor	JUSTESEN, AUSTIN
Priority Date	12/31/1884, 06/27/1977
Source/Tributary To	TYGH CREEK / WHITE RIVER
Lease#	<a href="#">IL-1837</a>
Certificate	51229
County/Basin	Deschutes / Deschutes (5)
Lessor	BRITTON, MIKE NORTH UNIT IRRIGATION DISTRICT 2024 NW BEECH ST MADRAS, OR 97741
Lessee	HUBERT, GENEVIEVE DESCHUTES RIVER CONSERVANCY 700 NW HILL ST STE #1 BEND, OR 97703
Priority Date	02/28/1913
Source/Tributary To	DESCHUTES 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 March 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	<a href="#">T-13598</a>
Water Right	Cert: 94783
County/Basin	Clackamas / Willamette (2)
Applicant Name	GRUETTER, DAVID 44 ACRE FARMS LLC 11251 SE 232ND AVE GRESHAM, OR 97080
Proposed Change	POINT OF APPROPRIATION, PLACE OF USE
Sources/TRSQ40Q160	A WELL > JOHNSON CREEK / 1.00S 3.00E 34 NWNE A WELL > JOHNSON CREEK / 1.00S 3.00E 34 SWNE
Use/Quantity	NURSERY USES / 0.5599 CFS
Priority Date	11/26/1968

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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 March 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-13488](#) filed by Aaron C. Nofziger, Wendy J. Nofziger, 28770 S Elisha Rd Canby, OR 97013, proposes a point of appropriation change under Certificate 79974. The right allows the use of 0.16 cubic foot per second from a well in Sec. 26, T4S, R1E, WM for irrigation in Sec. 25, T4S, R1E, WM. The applicant proposes to move the point of appropriation in Sec.25, T4S, R 1E, WM. 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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## **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 March 04, 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:

**Swalley Irrigation District (Agricultural)**

**City of Molalla (Municipal)**

**Black Butte Ranch (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](mailto:Kerri.H.Cope@oregon.gov).

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## 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#	<a href="#">95496</a>
App:	G-17002
County/Basin	Harney / Malheur Lake (12)
Applicant Name	THORENFELDT, BO
Priority Date	02/08/2008
Issue Date	01/29/2021

Cert#	<a href="#">95497</a>
App:	G-17134
County/Basin	Harney / Malheur Lake (12)
Applicant Name	THORENFELDT, BO
Priority Date	10/30/2008
Issue Date	01/29/2021

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# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
February 2, 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)\*

[ ]  
[ ]  
[ ]

**Your Name, Address, and Phone Number:**

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\* 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.

**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.