

# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
**March 16, 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.
- \* **Expedited Secondary Applications to Use Stored Water**  
Applications to use stored water exclusively, filed under a simplified review process.
- \* **Establishment of Mitigation Credits in the Deschutes Basin pursuant to OAR Chapter 690, Division 521 (ORS 537.746)**
- \* **Applications for Limited Licenses**  
Requests to use water for 5 years or less. Licenses are subordinate to other rights and may be revoked if a use is found to injure other water right holders.
- \* **Application for Instream Lease**  
Application by water right holder to lease existing water rights to instream use.
- \* **Transfer Notice: District Permanent Transfers for Place of Use- ORS 540.580(4)**  
District notices filed for place of use changes within a district's boundary.
- \* **Water Management and Conservation Plans**  
Water management and conservation plans submitted by municipalities and agricultural water suppliers under provisions of OAR Chapter 690, Division 86.
- \* **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 [www.oregon.gov/OWRD](http://www.oregon.gov/OWRD). 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**

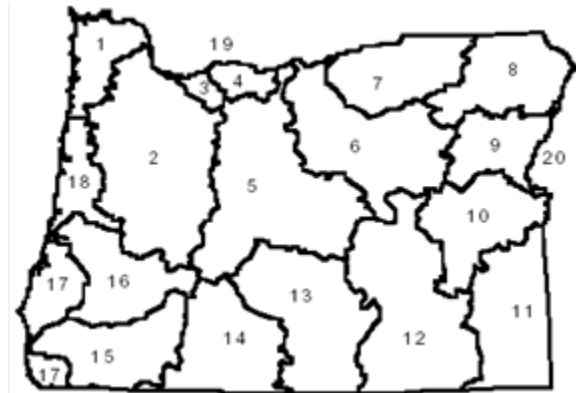
Unit of measure:

- 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, April 15, 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, April 30, 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#	<a href="#">G-18839</a>
County/Basin	Benton / Willamette (2)
Applicant Name	MERRITT HOLDINGS LLC 27949 EUREKA RD CORVALLIS, OR 97333
Sources/TRSQ40Q160	A WELL > WILLAMETTE RIVER BASIN / 14.00S 5.00W 24 SWSW
Use/Quantity	IRRIGATION / 0.520 CFS
Priority Date	07/09/2019
Stage/Status	PFO / PROPOSE TO APPROVE
App#	<a href="#">G-18980</a>
County/Basin	Deschutes / Deschutes (5)
Applicant Name	OREGON STATE UNIVERSITY-CASCADES PENTTILA, JARROD 1500 SW CHANDLER AVE BEND, OR 97702
Sources/TRSQ40Q160	A WELL > DESCHUTES RIVER / 18.00S 12.00E 6 SENW A WELL > DESCHUTES RIVER / 18.00S 12.00E 6 NESW
Use/Quantity	GEO-THERMAL (ENERGY PRODUCTION) / 2.228 CFS
Priority Date	05/12/2020
Stage/Status	IR / PROPOSE TO DENY
App#	<a href="#">G-18995</a>
County/Basin	Multnomah / Sandy (3)
Applicant Name	JOHN HOLMLUND NURSERY LLC HOLMLUND, JOHN 29285 SE HWY 212 BORING, OR 97009
Sources/TRSQ40Q160	A WELL > BELCHERS RESERVOIR / 1.00S 4.00E 17 NENW
Use/Quantity	NURSERY USES / 0.978 CFS
Priority Date	06/17/2020
Stage/Status	IR / PROPOSE TO DENY

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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#	<a href="#">G-18902</a>
County/Basin	Josephine / Rogue (15)
Applicant Name	NORTH VALLEY FARMS LLC STEWART, JOE M. 1651 PLEASANT VALLEY DR MERLIN, OR 97532
Priority Date	01/10/2020
Issue Date	03/05/2021
Status	WITHDRAWN
App#	<a href="#">IS-89023</a>
County/Basin	Douglas / Umpqua (16)
Applicant Name	OREGON DEPARTMENT OF FISH AND WILDLIFE 4034 FAIRVIEW INDUSTRIAL DR SE SALEM, OR 97302-1142
Priority Date	11/30/2020
Issue Date	03/05/2021
Status	WITHDRAWN
App#	<a href="#">LL-1783</a>
County/Basin	Yamhill / Willamette (2)
Applicant Name	SANDAN LLC ATTN: EMILY EVERETT 10280 NE OAK SPRINGS FARM RD CARLTON, OR 97111
Issue Date	03/09/2021
Status	APPROVED
App#	<a href="#">LL-1822</a>
County/Basin	Marion / Willamette (2)
Applicant Name	CITY OF ST. PAUL ATTN: MIKE DOLAN 20239 MAIN STREET NE ST. PAUL, OR 97137
Issue Date	03/09/2021
Status	WITHDRAWN
App#	<a href="#">LL-1858</a>
County/Basin	Jefferson / Deschutes (5)
Applicant Name	NORTH UNIT IRRIGATION DISTRICT 2024 NW BEECH ST MADRAS, OR 97741
Issue Date	03/09/2021
Status	APPROVED

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App# [R-88729](#)  
County/Basin Baker / Powder (9)  
Applicant Name CARUCCI FAMILY IRREVOCABLE TRUST  
265 CLINTON ST  
WHITESBORO, NY 13492  
Priority Date 07/31/2019  
Issue Date 03/09/2021  
Status APPROVED

App# [R-88813](#)  
County/Basin Wasco / Deschutes (5)  
Applicant Name JOHNSON LIVESTOCK LLC  
79681 WOODCOCK RD  
WAMIC, OR 97063  
Priority Date 03/02/2020  
Issue Date 03/09/2021  
Status APPROVED

App# [R-88860](#)  
County/Basin Multnomah / Willamette (2)  
Applicant Name GRAFF, BRAD AND LISA  
13610 NW SKYLINE BLVD  
PORTLAND, OR 97231  
Priority Date 08/10/2020  
Issue Date 03/09/2021  
Status APPROVED

App# [S-88287](#)  
County/Basin Umatilla / Umatilla (7)  
Applicant Name EAST IMPROVEMENT DISTRICT  
3750 SW MARSHALL PLACE  
PENDLETON, OR 97801  
Priority Date 09/12/2016  
Issue Date 03/05/2021  
Status APPROVED

App# [S-88827](#)  
County/Basin Polk / Willamette (2)  
Applicant Name FOLEY FAMILY FARMS LP  
1701 VILLAGE CENTER CIRCLE  
LAS VEGAS, NV 89134  
Priority Date 03/25/2020  
Issue Date 03/09/2021  
Status APPROVED

App# [S-88851](#)  
County/Basin Jackson / Rogue (15)  
Applicant Name BURCH, WELLMAN AND DEBBI A.  
10337 HWY 238  
JACKSONVILLE, OR 97530  
Priority Date 07/23/2020  
Issue Date 03/09/2021  
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 **April 15, 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).

App#	<a href="#">S-88911</a>
County/Basin	Coos / South Coast (17)
Applicant Name	BALLY BANDON LLC ATTN: MICHAEL L KEISER 2450 N LAKEVIEW CHICAGO, IL 60614
Sources/TRSQ40Q160	A RESERVOIR > WHISKEY RUN / 27.00S 14.00W 20 SWNE A RESERVOIR > WHISKEY RUN / 27.00S 14.00W 20 SENW
Use/Quantity	COMMERCIAL USES / 403.300 AF
Priority Date	02/01/2021

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## Establishment of Mitigation Credits in the Deschutes Basin

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

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

**Mitigation Project #:** MP-33, Deschutes County

**Project Applicant:** Deschutes River Conservancy Mitigation Bank and Matt Cyrus, Aspen Lakes Development LLC

**Mitigation Project And Process:** Instream Lease IL-615 - see also instream lease section of the March 2, 2021 notice for additional application details

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

**Amount of Water:** up to 0.45 Cubic Foot per Second and 200.0 Acre-Feet

**Current Use:** Irrigation of 50.0 acres

**Credits Assigned to:** Deschutes River Conservancy Mitigation Bank

**Preliminary Mitigation Credit Determination:** 90.0 mitigation credits that may be available for use in the Whychus Creek and/or General Zones of Impact

**Contact:** Sarah Henderson (503) 986-0884

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**Mitigation Project #:** MP-269, Deschutes County

**Project Applicant:** Deschutes River Conservancy Mitigation Bank and Central Oregon Irrigation District on behalf of several landowners

**Mitigation Project And Process:** Instream Lease IL-1840

**Subbasin/Source:** Middle Deschutes subbasin - Deschutes River tributary to the Columbia River

**Amount of Water:** up to 0.401 Cubic Foot per Second and 128.63 Acre-Feet from POD No. 1  
up to 2.329 Cubic Foot per Second and 747.81 Acre-Feet from POD No. 11

**Current Use:** Irrigation of 23.6 acres from POD No. 1  
Irrigation of 137.2 acres from POD No. 11

**Credits Assigned to:** Deschutes River Conservancy Mitigation Bank

**Preliminary Mitigation Credit Determination:** 289.4 mitigation credits that may be available for use in the Middle Deschutes and General Zones of Impact

**Contact:** Sarah Henderson (503) 986-0884

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## Applications for Limited Licenses

A limited license allows the right to use or store water for no more than 5 consecutive years. Use of water under a limited license is subordinate to all other authorized uses and may be shut-off at any time to satisfy those other uses. In addition, the Department may revoke a limited license if its use causes injury to any other water right or minimum perennial streamflow.

Licensees must maintain a record of how much water they are using (ORS 537.143). **The Department may approve a license after March 30, 2021, 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#	<a href="#">LL-1862</a>
County/Basin	Douglas / Umpqua (16)
Applicant Name	HOGUE, MIKAEL 332 CISCO LANE AZALEA, OR 97410
Sources/TRSQ40Q160 Use/Quantity	GALESVILLE RESERVOIR > COW CREEK / 32.00S 5.00W 14 NESW IRRIGATION FROM STORED WATER / 0.010 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 April 06, 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-492</a>
Certificate	24052
County/Basin	Douglas / Umpqua (16)
Lessor	MAUCK, LARRY 90102 LAMPA LANE MYRTLE POINT, OR 97458
Lessor	MAUCK, PHYLLIS 90102 LAMPA LANE MYRTLE POINT, OR 97458
Priority Date	07/24/1953
Source/Tributary To	SOUTH MYRTLE CREEK / MYRTLE CREEK
Lease#	<a href="#">IL-1254</a>
Certificate	82397, 60524
County/Basin	Grant / John Day (6)
Lessor	MOSS, DENNIS 42226 CUPPER CREEK RD KIMBERLY, OR 97848
Cert#/Priority Date	04/04/1985, 12/06/1982
Source/Tributary To	CUPPER CANYON / DRY CREEK NORTH FORK JOHN DAY RIVER / JOHN DAY RIVER
Lease#	<a href="#">IL-1842</a>
Certificate	25766
County/Basin	Wheeler / John Day (6)
Lessor	JOHNSON, ROBERT S. PO BOX 68604 TUCSON, AZ 85737
Lessor	JOHNSON, LENORE J. PO BOX 67 FOSSIL, OR 97830
Cert#/Priority Date	12/31/1885
Source/Tributary To	BUTTE CREEK / JOHN DAY RIVER

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Lease# [IL-1843](#)  
Certificate 94956  
County/Basin Crook, Deschutes / Deschutes (5)  
Lessor TALBOTT, JESSICA  
CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW LAKE COURT  
REDMOND, OR 97756

Lessee HUBERT, GENEVIEVE  
DESCHUTES RIVER CONSERVANCY  
700 NW HILL ST STE #1  
BEND, OR 97703  
Cert#/Priority Date 10/31/1900  
Source/Tributary To DESCHUTES RIVER / COLUMBIA RIVER

Lease# [IL-1844](#)  
Certificate 94956  
County/Basin Crook, Deschutes / Deschutes (5)  
Lessor TALBOTT, JESSICA  
CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW LAKE COURT  
REDMOND, OR 97756

Lessee HUBERT, GENEVIEVE  
DESCHUTES RIVER CONSERVANCY  
700 NW HILL ST STE #1  
BEND, OR 97703  
Cert#/Priority Date 10/31/1900  
Source/Tributary To DESCHUTES RIVER / COLUMBIA RIVER

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## 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	<b>N2021-002</b>
County	Deschutes
Certificate	94956, 76714
Priority Date	10/31/1900; 12/2/1907; 2/28/1913
Name	CENTRAL OREGON IRRIGATION DISTRICT
Address	1055 S.W. LAKE CT REDMOND, OR 97756
Use	IRRIGATION; SUPPLEMENTAL IRRIGATION
Source	DESCHUTES R > COLUMBIA R CRANE PRAIRIE RES > DESCHUTES
Acres:	9.34
Authorized POU:	T13S R13E 4 NESW, SESW; 14S R13E 4 SWNE, SENE
Proposed POU:	T13S R13E 3 SWNE, SENE, NWSE, SWSE; T13S R13E 4 SWNW, NESW, NWSW, SESW; 14S R13E 4 NENE, NWNE, SENE

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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 April 15, 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 Cottage Grove (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# [95533](#)  
App: S-88217  
County/Basin Benton / Willamette (2)  
Applicant Name O O AGRICULTURAL INVESTMENT CO. LLC  
Priority Date 04/25/2016  
Issue Date 03/12/2021

Cert# [95508](#)  
Xfer: T-12361  
County/Basin Marion / Willamette (2)  
Applicant Name ROBERT W GABRIEL TRUST  
Priority Date 01/20/1987  
Issue Date 03/12/2021

Cert# [95534](#)  
App: G-14697  
County/Basin Deschutes / Deschutes (5)  
Applicant Name WILLIAMS FAMILY REVOCABLE TRUST  
Priority Date 03/10/1998  
Issue Date 03/12/2021

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# OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A  
Salem OR 97301

**PUBLIC NOTICE OF WATER USE REQUESTS**  
March 16, 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.

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