

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
December 28, 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.
- * **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.
- * **PC 913** Application to Develop Hydroelectric

The Public Notice is published each week on the Department's web site at www.oregon.gov/OWRD. If you would like to receive a **free** weekly notification when it is published, please send your request to Julie.C.Baustian@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

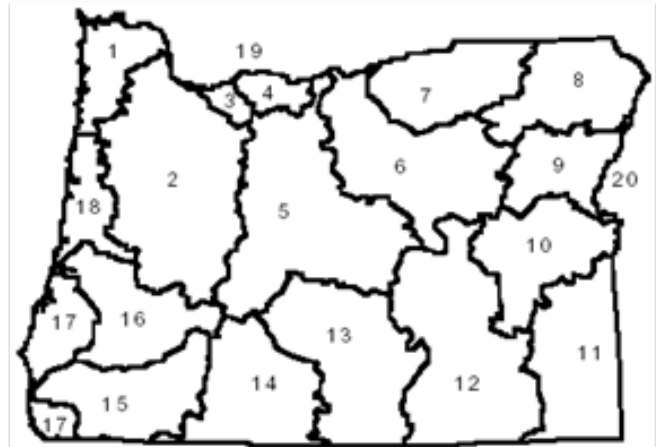
Unit of measure:

- 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, January 27, 2022. 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 \$35. (Any person paying \$35 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 11, 2022.

The protest filing fee is \$480 for the applicants and \$950 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 \$270 to retain the ability to participate in future proceedings relating to an application. Before participation in a hearing is allowed, an additional \$680 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 -
12/21/2021 – 12/28/2021****

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 \$35 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-18465](#)
County/Basin Josephine / Rogue (15)
Applicant Name KENNON, WILLIAM
OHANNA BROTHERS LLC
1051 NE 6TH ST SUITE 782
GRANTS PASS, OR 97526
Priority Date 02/23/2017
Issue Date 12/21/2021
Status DENIED

App# [G-19057](#)
County/Basin Benton / Willamette (2)
Applicant Name BROWN, MITCHELL D.
POWELL, BRENDA N.
LOVE AND GRACE FARMS
5478 NE HWY 20
CORVALLIS, OR 97330
Priority Date 02/01/2021
Issue Date 12/21/2021
Status APPROVED

App# [G-19073](#)
County/Basin Polk / Willamette (2)
Applicant Name MCKEE FAMILY FARMS LLC
11640 ELKINS RD
MONMOUTH, OR 97361
Priority Date 03/11/2021
Issue Date 12/21/2021
Status APPROVED

App# [R-89108](#)
County/Basin Linn / Willamette (2)
Applicant Name STELLMACHER FAMILY PROPERTIES LLC
30416 STELLMACHER DR SW
ALBANY, OR 97321
Priority Date 05/17/2021
Issue Date 12/21/2021
Status APPROVED

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App# [R-89111](#)
County/Basin Yamhill / Willamette (2)
Applicant Name FOTI, FRANK
17405 NW PANTHER CREEK RD
CARLTON, OR 97111

HOB LLC
15990 NW REDSHOT LANE
CARLTON, OR 97111
Priority Date 05/19/2021
Issue Date 12/17/2021
Status APPROVED

App# [R-89112](#)
County/Basin Yamhill / Willamette (2)
Applicant Name FOTI, FRANK
15560 NW REDSHOT LANE
CARLTON, OR 97111

HOB LLC
15990 NW REDSHOT LANE
CARLTON, OR 97111
Priority Date 05/19/2021
Issue Date 12/17/2021
Status APPROVED

App# [R-89113](#)
County/Basin Yamhill / Willamette (2)
Applicant Name FOTI, FRANK
15560 NW REDSHOT LANE
CARLTON, OR 97111

HOB LLC
15990 NW REDSHOT LANE
CARLTON, OR 97111
Priority Date 05/19/2021
Issue Date 12/17/2021
Status APPROVED

App# [R-89114](#)
County/Basin Yamhill / Willamette (2)
Applicant Name FOTI, FRANK
17405 NW PANTHER CREEK RD
CARLTON, OR 97111

HOB LLC
15990 NW REDSHOT LANE
CARLTON, OR 97111
Priority Date 05/19/2021
Issue Date 12/17/2021
Status APPROVED

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App# [R-89115](#)
County/Basin Yamhill / Willamette (2)
Applicant Name SMOLA-FOTI, BRENDA
15560 NW REDSHOT LANE
CARLTON, OR 97111

TABULA RASA FARMS
14820 NW MEADOWLAKE RD
CARLTON, OR 97111
Priority Date 05/19/2021
Issue Date 12/17/2021
Status APPROVED

App# [R-89117](#)
County/Basin Yamhill / Willamette (2)
Applicant Name SMOLA-FOTI, BRENDA
15560 NW REDSHOT LANE
CARLTON, OR 97111

TABULA RASA FARMS
14820 NW MEADOWLAKE RD
CARLTON, OR 97111
Priority Date 05/01/2021
Issue Date 12/17/2021
Status APPROVED

App# [R-89118](#)
County/Basin Yamhill / Willamette (2)
Applicant Name SMOLA-FOTI, BRENDA
15560 NW REDSHOT LANE
CARLTON, OR 97111

TABULA RASA FARMS
14820 NW MEADOWLAKE RD
CARLTON, OR 97111
Priority Date 05/19/2021
Issue Date 12/17/2021
Status APPROVED

App# [R-89119](#)
County/Basin Yamhill / Willamette (2)
Applicant Name SMOLA-FOTI, BRENDA
15560 NW REDSHOT LANE
CARLTON, OR 97111

TABULA RASA FARMS
14820 NW MEADOWLAKE RD
CARLTON, OR 97111
Priority Date 05/19/2021
Issue Date 12/17/2021
Status APPROVED

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App# [R-89120](#)
County/Basin Yamhill / Willamette (2)
Applicant Name SMOLA-FOTI, BRENDA
15560 NW REDSHOT LANE
CARLTON, OR 97111

TABULA RASA FARMS
14820 NW MEADOWLAKE RD
CARLTON, OR 97111
Priority Date 05/19/2021
Issue Date 12/17/2021
Status APPROVED

App# [R-89121](#)
County/Basin Yamhill / Willamette (2)
Applicant Name SMOLA-FOTI, BRENDA
15560 NW REDSHOT LANE
CARLTON, OR 97111

TABULA RASA FARMS
14820 NW MEADOWLAKE RD
CARLTON, OR 97111
Priority Date 05/19/2021
Issue Date 12/17/2021
Status APPROVED

App# [S-88737](#)
County/Basin Morrow, Umatilla / Umatilla (7)
Applicant Name HALE BROS INC.
C/O BOB HALE
33935 RIVER VIEW DR
HERMISTON, OR 97838
Priority Date 09/04/2019
Issue Date 12/17/2021
Status APPROVED

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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 January 27, 2022. 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-13875
Water Right	Cert: 87962, 87963 (T-11159), 87964, 87965, 87966, 87967, 87968, 87969, 76075,76582
County/Basin	Morrow / Umatilla (7)
Applicant Name	CAL HOLDINGS LLC; C/O AMBROSE CALCAGNO PO BOX 796 OREGON CITY, OR 97045
Proposed Change	ADDITIONAL POINT OF APPROPRIATION, POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	A WELL > WILLOW CREEK / 2.00N 23.00E 17 SENE A WELL > WILLOW CREEK / 2.00N 23.00E 20 SENE A WELL > WILLOW CREEK / 2.00N 23.00E 8 SWNW A WELL > WILLOW CREEK / 2.00N 23.00E 20 SENE WILLOW CREEK > COLUMBIA RIVER / 2.00N 23.00E 7 NENE WILLOW CREEK > COLUMBIA RIVER / 2.00N 23.00E 7 SENE WILLOW CREEK > COLUMBIA RIVER / 2.00N 23.00E 7 NESE WILLOW CREEK > COLUMBIA RIVER / 2.00N 23.00E 20 SENE WILLOW CREEK > COLUMBIA RIVER / 2.00N 23.00E 20 NENE WILLOW CREEK > COLUMBIA RIVER / 2.00N 23.00E 29 NESE WILLOW CREEK > COLUMBIA RIVER / 2.00N 23.00E 17 SWNE
Use/Quantity	SUPPLEMENTAL IRRIGATION/IRRIGATION/DOMESTIC AND LIVESTOCK / 0. 0.480 CFS
Priority Date	12/31/1897, 03/27/1968, 04/04/1983, 03/08/1968, 12/31/1884, 12/31/1892, 12/31/1906, 12/31/1984, 12/31/1894, 12/31/1875, 12/31/1892, 06/08/1964, 12/31/1884, 12/31/1892, 12/31/1906, 12/31/1903

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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 \$950 protest fee for non-applicant and \$480.00 protest fee for applicant. Call (503) 986-0815 to obtain additional information. Protests must be received by the Department on or before January 27, 2022, 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-13505](#) filed by Rick D. and Karen L. Gibbons, PO Box 699, Riddle, OR 97469, proposes a change in place of use under Certificate 24753. The right allows the use of 0.046 cubic foot per second from South Umpqua River in Sec. 12, T30S, R6W, WM for irrigation in Sec. 12, T30S, R6W, WM. The applicant proposes to change the place of use within Sec. 12, T30S, R6W, 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 January 27, 2022.

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:

Clackamas River Water (Municipal)

Chenoweth Water PUD (Municipal)

To review any of the above plan(s) or to provide comments on the plan(s), contact Kerri Cope at 503-979-9544 or Kerri.H.Cope@water.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# [96000](#)
App: G-16297
County/Basin Linn / Willamette (2)
Applicant Name CARTER, JON
Priority Date 08/11/2004
Issue Date 12/23/2021

Cert# [95914](#)
App: S-86076
County/Basin Jackson / Rogue (15)
Applicant Name COLCLEASER, DAN
COLCLEASER, PAULA
Priority Date 09/13/2004
Issue Date 12/23/2021

Cert# [95063](#)
App: G-14836
County/Basin Lane / Willamette (2)
Applicant Name DIETZ, CHARLES
DIETZ, ARLENE
Priority Date 09/08/1998
Issue Date 12/23/2021

Cert# [96002](#)
App: R-85912
County/Basin Washington / Willamette (2)
Applicant Name ESHRAGHI, LINDA A.
NORTHWEST FARM CREDIT SERVICES FLCA
ESHRAGHI, DAVID N.
Priority Date 01/20/2004
Issue Date 12/23/2021

Cert# [96001](#)
App: R-85913
County/Basin Washington / Willamette (2)
Applicant Name ESHRAGHI, LINDA A.
NORTHWEST FARM CREDIT SERVICES FLCA
ESHRAGHI, DAVID N.
Priority Date 01/20/2004
Issue Date 12/23/2021

Cert# [96028](#)
App: S-86316
County/Basin Douglas / Umpqua (16)
Applicant Name GLASSER, ROBERT
Priority Date 05/23/2005
Issue Date 12/23/2021

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Cert# [95041](#)
App: S-86336
County/Basin Douglas / Umpqua (16)
Applicant Name HART, WARREN
HART, VICKIE
Priority Date 06/08/2005
Issue Date 12/23/2021

Cert# [95238](#)
App: S-85330
County/Basin Columbia / Willamette (2)
Applicant Name HAVLIK, ALBERT
HAVLIK, PATRICIA
Priority Date 11/04/2002
Issue Date 12/23/2021

Cert# [96012](#)
App: R-85033
County/Basin Union / Grande Ronde (8)
Applicant Name JORDAN CREEK RANCH LLC
Priority Date 01/30/2002
Issue Date 12/23/2021

Cert# [95040](#)
App: S-86326
County/Basin Douglas / Umpqua (16)
Applicant Name OLSEN, BARBARA
Priority Date 05/31/2005
Issue Date 12/23/2021

Cert# [95159](#)
App: S-86333
County/Basin Douglas / Umpqua (16)
Applicant Name SHORT, LANCE
SHORT, LOLA
Priority Date 06/07/2005
Issue Date 12/23/2021

Cert# [96039](#)
App: G-14823
County/Basin Marion / Willamette (2)
Applicant Name VALLEY LOE LLC
Priority Date 08/20/1998
Issue Date 12/23/2021

Cert# [96040](#)
App: R-86910
County/Basin Crook / Deschutes (5)
Applicant Name WAIBEL RANCHES LLC
Priority Date 06/25/2007
Issue Date 12/23/2021

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**Application to Develop Hydroelectric Use as part of an existing
Certificated Water Right**

The Department seeks public comment on the following application to develop hydroelectric use as part of an existing certificated water right (ORS 543.765). Comments must be submitted within 30 days of publication of the notice. The application and supporting documents can be viewed at the Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you would like a copy of the application please contact R. Craig Kohanek (503) 986-0823. A copying fee will be assessed as allowed in Oregon Revised Statute (ORS) Chapter 536.050(1)(e).

Application:	PC 913
Applicant:	City of Beaverton
Address:	P12725 SW Millikan Way, Beaverton OR, 97005
Amount of water:	11.1 cubic feet per second
Source of water:	Tualatin River, tributary to Willamette River
Location of the Points of Diversion:	SW $\frac{1}{4}$ <u>SW</u> $\frac{1}{4}$ of Section 8, Township 1 South, Range 3 West, W.M., Washington County
Place of Use:	NE $\frac{1}{4}$ <u>SE</u> $\frac{1}{4}$ of Section 22, Township 1 North, Range 2 West, W.M., Washington County
Power developed:	126.1 Theoretical horsepower
Water Right Certificate:	85914

Comments are Due January 28, 2022

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OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

December 28, 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:

* We are required by law to charge a fee of \$35 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 \$35 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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