

NOTICE OF PUBLIC COMMENT PERIOD



OREGON DEPARTMENT OF FISH AND WILDLIFE AND CITY OF CASCADE LOCKS PROPOSED WATER RIGHT TRANSFERS RELATED TO NESTLE WATERS

Background

The Oregon Water Resources Department is the state agency charged with the management and distribution of Oregon's water resources. The Department issues new rights to use water and also evaluates changes made to existing rights to use water. Changes to existing water rights are called transfers.

The Oregon Department of Fish and Wildlife holds water rights to withdraw water from Oxbow Springs and Little Herman Creek for fish hatchery purposes, and the City of Cascade Locks holds a water right to withdraw water from a well for municipal purposes.

On Friday, April 10, 2015, the Oregon Department of Fish and Wildlife filed transfer [T-12029](#) and the City of Cascade Locks filed transfer [T-12028](#). The transfers propose changes to the corresponding water rights in order to allow the City of Cascade Locks to obtain water from Oxbow Springs to provide water for a proposed Nestle water bottling plant. In return, the Oregon Department of Fish and Wildlife would receive a portion of the City's well water to provide water for the fish hatchery.

Factors Considered in Review of Transfers

The factors the Department can consider in determining whether to approve a transfer are outlined in statute and rule. In order to approve a transfer, the Department must determine that another water right will not be injured by the transfer, or that the transfer will not result in enlargement of the right. Injury means that a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled, whereas enlargement is an expansion of the allowed use of water under the water right being transferred.

In determining whether to approve a transfer, the Department cannot consider whether the bottling of water should be prohibited, as this is outside of the scope of the Department's authority.

Public Comment Period

The Department will open a public comment period on the proposed transfers on April 14, 2015. The public comment period will close on May 14, 2015.

The purpose of the public comment period is to allow individuals to provide information to the Department that will help inform its decision-making. In order to approve a transfer, the Department must determine that another water right will not be injured by the transfer, or that the transfer will not result in enlargement of the right. All public comments will be reviewed to assist the Department in determining whether there will be injury or enlargement as a result of the transfers.

To submit public comment on the proposed Oregon Department of Fish and Wildlife transfer T-12029, [click here](#).

To submit public comment on the proposed City of Cascade Locks transfer T-12028, [click here](#).

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Next Steps after the Public Comment Period Closes

All public comments will be reviewed to assist the Department in determining whether there will be injury or enlargement as a result of the transfers. The Department will complete its evaluation of the transfers this summer and then issue a preliminary determination on whether the Department intends to approve or deny the transfers. All individuals that submit comments during the public comment period will receive a copy of the preliminary determination.

Upon providing public notice of the preliminary determination, the Department will provide individuals at least 30 days to file a protest. A protest is a written statement expressing opposition to the Department's preliminary determination. If a protest is filed, the Department may schedule a contested case hearing before an administrative law judge. After the hearing, the Department will issue a final order of its decision. This final order may then be appealed to the Court of Appeals.