

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	FINAL ORDER
T-14185, Washington County)	APPROVING A CHANGE IN POINT OF
)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

OREGON-CANADIAN FOREST PRODUCTS, INC.
31950 NW COMMERCIAL STREET
NORTH PLAINS, OR 97133

Findings of Fact

1. On March 13, 2023, Oregon-Canadian Forest Products, Inc. filed an application to change the point of appropriation under Certificate 93746. The Department assigned the application number T-14185.
2. Notice of the application for transfer was published on March 21, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 4, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14185 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 4, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On December 4, 2023, The applicant requested a modified Completion date of October 1, 2027.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

- On January 19, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14185 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on January 23, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- The right to be transferred is as follows:

Certificate: 93746 in the name of OREGON CANADIAN FOREST PRODUCTS INC.
(perfected under Permit G-11142)

Use: LUMBER MILL INDUSTRIAL PURPOSES

Priority Date: APRIL 25, 1990

Rate: 0.42 CUBIC FOOT PER SECOND

Source: A WELL in the MCKAY CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	3 W	WM	2	NE SE	73	(WELL 1) - FROM POD - NORTH 07 DEGREES 53 MINUTES 35 SECONDS EAST, 2561 FEET TO THE NE CORNER OF DLC 39

Authorized Place of Use:

LUMBER MILL INDUSTRIAL PURPOSES					
Twp	Rng	Mer	Sec	Q-Q	DLC
1 N	3 W	WM	1	NE SW	73
1 N	3 W	WM	1	NW SW	73

- Transfer Application T-14185 proposes to move the authorized point of appropriation approximately 20 west feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	3 W	WM	2	NE SE	73	WELL-2 - NORTH 10 DEGREES 17 MINUTES 25 SECONDS EAST, 2570 FEET FROM POA TO THE NE CORNER OF DLC 39

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]

- A confirming Certificate was issued within the last five years prior to the submittal of Transfer Application T-14185. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14185.
- The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

11. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
12. The proposed change, as conditioned, would not result in enlargement of the right.
13. The proposed change, as conditioned, would not result in injury to other existing water rights.
14. All other application requirements are met.

Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-14185 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-14185 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 93746 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.
4. Water right Certificate 93746 is cancelled.
5. The quantity of water diverted at the new point of appropriation (Well-2) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well-1).
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of appropriation, with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.
 - b. The water user shall maintain the meters or measuring devices in good working order.

- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **MAR 27 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department