

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

In the Matter of Transfer Application)
T-12075, Lane County)
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Authority

Oregon Revised Statute (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 Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

SENECA SAWMILL COMPANY
PO BOX 851
EUGENE, OR 97440

Findings of Fact

- 1. On June 8, 2015, SENECA SAWMILL COMPANY filed an application to change the place of use and to change the character of use under Certificate 89471. The Department assigned the application number T-12075
- 2. Notice of the application for transfer was published on June 9, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On August 11, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12075 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 14, 2015, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination with a couple of corrections, and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 4. On October 2, 2015, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12075 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 October 6, 2015, in in the (Eugene) Register Guard newspaper on October 8, and 15, 2015, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

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.

5. The right to be transferred is as follows:

Certificate: 89471 in the name of SENECA SAWMILL COMPANY (perfected under Permit G-1923)

Use: MAINTENANCE OF LOG POND AND FIRE PROTECTION

Priority Date: AUGUST 8, 1961

Rate: 0.45 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.45 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

Source: WELL 6A (LANE 71020), a tributary of the WILLAMETTE RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
17 S	4 W	WM	4	SW SE	2	W6A (LANE 71020) - 390 FEET SOUTH AND 55 FEET EAST FROM THE NE CORNER, SESW OF SECTION 4

Authorized Place of Use:

FIRE PROTECTION					
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot
17 S	4 W	WM	4	SE SW	
17 S	4 W	WM	9	NW NE	1
17 S	4 W	WM	9	NE NW	

MAINTENANCE OF LOG POND					
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot
17 S	4 W	WM	4	SE SW	
17 S	4 W	WM	9	NWNE	1
17 S	4 W	WM	9	NE NW	

6. Transfer Application T-12075 proposes to change the place of use of the right to:

GENERAL INDUSTRIAL						
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	DLC
17 S	4 W	WM	4	SW SW		
17 S	4 W	WM	4	SE SW		
17 S	4 W	WM	4	SW SE	2	
17 S	4 W	WM	4	SW SE		50
17 S	4 W	WM	4	SE SE		50
17 S	4 W	WM	9	NE NE		50
17 S	4 W	WM	9	NE NW		
17 S	4 W	WM	9	NW NE		
17 S	4 W	WM	9	NW NE	1	
17 S	4 W	WM	9	NW NE		50
17 S	4 W	WM	9	SW NE	2	
17 S	4 W	WM	9	SW NE		50
17 S	4 W	WM	9	SE NE		50

7. On February 18, 2014, Seneca Sawmill Company submitted a "Notice of Specific-to-General Industrial Water Use Change for Certificate No. 34373" pursuant to ORS 540.520(9) and OAR 690-380-2340.

8. On February 17, 2015, the Department sent Seneca Sawmill Company a letter acknowledging their February 18, 2014 "Notice of Specific-to-General Industrial Water Use Change for Certificate No. 34373".
9. On August 27, 2014, Certificate 34373 was cancelled and superseded by Certificate 89471.
10. Transfer Application T-12075 proposes to change the character of use to General Industrial to confirm the change as provided in their February 18, 2014, "Notice of Specific-to-General Industrial Water Use Change for Certificate No. 34373".

Transfer Review Criteria (OAR 690-380-4010)

11. The right was issued within the last five years and evidence was submitted with the application indicating that water has been used within the last five years according to the terms and conditions of the right.
12. A distribution 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-12075.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

Conclusions of Law


The change in place of use and change in character of use proposed in Transfer Application T-12075 are 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 place of use and change in character of use proposed in Transfer Application T-12075 are 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 89471 and any related decree.
3. Water right Certificate 89471 is cancelled.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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 changes and full beneficial use of the water.

5. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 17 day of November, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: NOV 19 2015