

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

In the Matter of Transfer Application) FINAL ORDER
T-8042, Lane County) APPROVING ADDITIONAL POINTS
) OF APPROPRIATION

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

Weyerhaeuser Co.
Ed Henricks
P O Box 907
Albany, Oregon 97321

Findings of Fact

1. Weyerhaeuser Co. filed an application to change the place of use and character of use and to add points of appropriation under Certificate 50291. The Department assigned the application number T-8042.
2. On February 27, 2006, a request was received from the applicant to drop the proposed change in place of use and character of use from the transfer application.
3. The right to be transferred is as follows:

Certificate: 50291 in the name of Bohemia Inc. (perfected under Permit G-6379)

Use: Log deck sprinkling

Priority Date: January 3, 1975

Rate: 0.67 cubic foot per second

Source: A well in the Dry Muddy Creek Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
16 S	3 W	WM	17	SE NW	53	2136 feet North and 1507 feet East from the SW Corner of DLC 53

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
16 S	3 W	WM	17	SW NW	53
16 S	3 W	WM	17	SE NW	53
16 S	3 W	WM	17	NE SW	53
16 S	3 W	WM	17	NW SW	53

4. Application T-8042 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
16 S	3 W	WM	17	NW SW	53	Well 1 - 780 feet North and 1020 feet East from the SW Corner of DLC 53
16 S	3 W	WM	17	SE SW	53	Well 2 - 760 feet North and 1760 feet East from the SW Corner of DLC 53
16 S	3 W	WM	17	NE SW	53	Well 3 - 1374 feet North and 1732 feet East from the SW Corner of DLC 53
16 S	3 W	WM	17	NE SW	53	Well 4 - 1405 feet North and 1340 feet East from the SW Corner of DLC 53
16 S	3 W	WM	17	SE NW	53	Well 6 - 2240 feet North and 1475 feet East from the SW Corner of DLC 53
16 S	3 W	WM	17	SE NW	53	Well 7 - 2600 feet North and 1740 feet East from the SW Corner of DLC 53

5. The notification of a Specific-to-General Industrial Water Use Change under Certificate 50291 that was submitted by the applicant on February 27, 2006, is consistent with the requirements of OAR 690-380-2340.
6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. One comment was filed in response to the notice.
7. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. Public notice of the preliminary determination was published in the Department's Weekly Notice on March 21, 2006, and in the Capital Press Agriculture Weekly on March 31, April 7 and April 14, 2006. No protests were received in response to the notice.

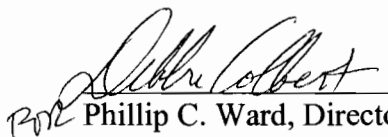
Conclusions of Law

The additional points of appropriation proposed in application T-8042 are consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed in application T-8042 are approved.
2. Water Right Certificate 50291 is cancelled.
3. The right to 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 50291 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.
6. For purposes of making proof on the approved change, the water user may exercise the right consistent with the specific to general industrial use notification.
7. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
8. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued. The certificate shall describe the authorized place of use and character of use of the right of record and shall authorize the exercise of the right consistent with general industrial use as shown in the notification and claim of beneficial use.

Dated at Salem, Oregon this 11th day of July 2006.


Phillip C. Ward, Director

Mailing Date: JUL 13 2006