



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 5, 2015

VIA E-MAIL

SENECA SAWMILL COMPANY
PO BOX 851
EUGENE, OR 97440

SUBJECT: Water Right Transfer Application T-12075

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12075. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Eugene Register Guard newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at Tracy.L.Fox@ wrd.state.or.us or 503-986-0827 if I may be of assistance.

Sincerely,

Ms. Tracy Fox
Transfer Specialist
Transfer and Conservation Section

cc: T-10275
Michael J. Mattick, District 2 Watermaster (*via e-mail*)
Steven I. Recca, Agent for the applicant and CWRE# 76773 (*via e-mail*)
A. Reed Marbut, Counsel for the applicant

enclosures

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

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

**PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN PLACE OF USE AND
CHARACTER OF USE**

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. 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

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

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	

5. 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

6. 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.
7. 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".
8. On August 27, 2014, Certificate 34373 was cancelled and superseded by Certificate 89471.

9. 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)

10. 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.
11. 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.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Determination and Proposed Action

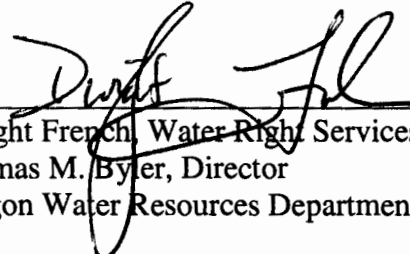
The change in place of use and change in character of use proposed in Transfer Application T-12075 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12075 is approved, the final order will include the following:

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, 2016**. 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 2 day of October, 2015.



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

This Preliminary Determination was prepared by a Reimbursement Authority Contractor. If you have questions about the information in this document, you may contact Tracy Fox at 503 986-0827 or Tracy.L.Fox@wrд.state.or.us

Protests should be addressed to the Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266