

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13037, Linn, Marion County)	PROPOSING APPROVAL OF
)	ADDITIONAL POINTS OF
)	APPROPRIATION AND PARTIAL
)	CANCELLATION OF A WATER
)	RIGHT

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

Applicant

WEYERHAEUSER NR COMPANY
16014 PLETZER RD SE
TURNER, OR 97392

Findings of Fact

1. On September 28, 2018, WEYERHAEUSER NR COMPANY filed an application for additional points of appropriation under Certificates 24690, 49070, and 49071. The Department assigned the application number T-13037.
2. Notice of the application for transfer was published on October 2, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 24, 2019, the application was amended to remove the proposed change in point of appropriation under Certificate 24690 and replace it with additional points of appropriation and amend the acres being transferred.

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.
--

4. On May 7, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13037 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 6, 2021, 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.
5. On May 10, 2021, the agent for the applicant requested the completion date of October 1, 2026 to allow extra time needed to drill Well 4 and make other needed changes to the irrigation system. The Department granted the longer time for completion per OAR 690-380-5140 (3).
6. The portion of the first right to be transferred is as follows:

Certificate: 24690 in the name of PEARL F. and ERNEST L. PLETZER (perfected under Permit G-226)

Use: SUPPLEMENTAL IRRIGATION on 97.43 ACRES

Priority Date: MAY 4, 1956

Rate: 1.22 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: PLETZER WELL 3 a tributary of NORTH SANTIAM RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	2 W	WM	9	NW NW	675 FEET NORTH AND 2050 FEET WEST FROM THE SE CORNER OF WM MCKINNEY DLC

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	2 W	WM	4	SW SW	10.94
10 S	2 W	WM	5	SE SE	14.17
10 S	2 W	WM	8	NE NE	20.25
10 S	2 W	WM	8	SE NE	1.77
10 S	2 W	WM	9	NW NW	38.15
10 S	2 W	WM	9	SW NW	12.15
				Total	97.43

7. Transfer Application T-13037 proposes additional points of appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances	Distance from the authorized Well in Feet (ft.)
10 S	2 W	WM	9	SW NW	6		WELL 2 - 1760 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER OF SECTION 9	1300 ft.
10 S	2 W	WM	9	NE NW		55	WELL 4 - 1030 FEET SOUTH AND 1950 FEET EAST FROM THE NW CORNER OF SECTION 9	1700 ft.

8. The second right to be transferred is as follows:

Certificate: 49070 in the name of WEYERHAEUSER COMPANY (perfected under Permit G-7930)

Use: IRRIGATION and TEMPERATURE CONTROL for 3.0 ACRES

Priority Date: JANUARY 31, 1974

Rate: 0.03 CUBIC FOOT PER SECOND (CFS), BEING 0.03 CFS FOR IRRIGATION AND 0.03 CFS FOR TEMPERATURE CONTROL

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: GREENHOUSE WELL, a tributary of NORTH SANTIAM RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	2 W	WM	4	SE SW	55	GREENHOUSE WELL - 250 FEET NORTH AND 2000 FEET EAST FROM THE SW CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION AND TEMPERATURE CONTROL						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	4	SE SW	55	3.0

9. Transfer Application T-13037 proposes an additional point of appropriation approximately 800 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	2 W	WM	4	SW SW	55	SHOP WELL - 420 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 4

10. The third right to be transferred is as follows:

Certificate: 49071 in the name of WEYERHAEUSER COMPANY (perfected under Permit G-7931)

Use: IRRIGATION of 49.0 ACRES and TEMPERATURE CONTROL of 4.4 ACRES

Priority Date: JANUARY 31, 1974

Rate: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.55 CFS FROM WELL NO. 1 AND 0.06 CFS FROM GREENHOUSE WELL FOR IRRIGATION AND 0.66 CFS FROM GREENHOUSE WELL FOR TEMPERATURE CONTROL

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL 1 AND GREENHOUSE WELL, a tributary of NORTH SANTIAM RIVER

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	2 W	WM	4	SE SW	55	WELL NO. 1 - 250 FEET NORTH AND 1940 FEET EAST FROM THE SW CORNER OF SECTION 4
10 S	2 W	WM	4	SE SW	55	GREENHOUSE WELL - 250 FEET NORTH AND 2000 FEET EAST FROM THE SW CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION & TEMPERATURE CONTROL GREENHOUSE WELL						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	4	SE SW	55	4.4

IRRIGATION WELL NO. 1						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	4	SW SW	55	4.8
10 S	2 W	WM	4	SE SW	55	20.2
10 S	2 W	WM	4	SW SE	55	3.4
10 S	2 W	WM	9	NW NE	55	2.2
10 S	2 W	WM	9	NE NW	55	14.0
					Total	44.6

11. Transfer Application T-13037 proposes an additional point of appropriation from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate Distance	
							WELL NO. 1	GREENHOUSE WELL
10 S	2 W	WM	4	SW SW	55	SHOP WELL - 420 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 4	700 ft.	800 ft.

Transfer Review Criteria (OAR 690-380-4010)

12. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13037.
14. The proposed changes would not result in enlargement of the rights.
15. The proposed changes would not result in injury to other water rights.
16. All other application requirements are met.

Partial Cancellation of a Water Right

17. On September 28, 2018, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from WEYERHAEUSER NR CO. The right to be cancelled is as follows:

Certificate: 24690 in the name of PEARL F. and ERNEST L. PLETZER (perfected under Permit G-226)

Use: SUPPLEMENTAL IRRIGATION on 1.13 ACRES

Priority Date: MAY 4, 1956

Rate: 0.01 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: PLETZER WELL NO. 3 a tributary of NORTH SANTIAM RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	2 W	WM	9	NW NW	55	PLETZER WELL NO. 3 - 675 FEET NORTH AND 2050 FEET WEST FROM THE SE CORNER OF THE WILLIAM MCKINNEY DLC

Authorized Place of Use to be Cancelled:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	2 W	WM	8	NE NE	0.35
10 S	2 W	WM	8	SE NE	0.63
10 S	2 W	WM	9	SW NW	0.15
				Total	1.13

Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-13037 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.

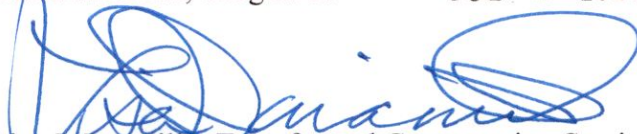
If Transfer Application T-13037 is approved, the final order will include the following:

1. *The additional points of appropriation proposed in Transfer Application T-13037 are approved. The portion of the right that has been abandoned is cancelled.*
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 Certificates 24690, 24690, 49070, 49071, and any related decree.*
3. *Water right Certificate 24690 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer and cancellation.*
4. *Water right Certificate 49070 and 49071 are cancelled.*
5. *The quantity of water diverted at the additional points of appropriation under Certificate 24690 (Well 2 and Well 4), together with that diverted at the original point of appropriation (Pletzer Well No. 3), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pletzer Well No. 3).*
6. *The quantity of water diverted at the additional point of appropriation under Certificate 49070 (Shop Well), together with that diverted at the original point of appropriation (Greenhouse Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Greenhouse Well).*
7. *The quantity of water diverted at the additional point of appropriation under Certificate 49071 (Shop Well), together with that diverted at the original point of appropriation (Greenhouse Well and Well No. 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Greenhouse Well and Well No. 1).*

8. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. 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.*
10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

JUL 13 2021


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@oregon.gov or 503-986-0890.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 13, 2021

Applicant

WEYERHAEUSER NR COMPANY
16014 PLETZER RD SE
TURNER, OR 97392

SUBJECT: Water Right Transfer Application T-13037

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13037. 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 Scio Tribune 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.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please contact me at scott.a.grew@oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13037
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)
William E. McGill CWRE, Agent for the applicant (*via e-mail*)

encs