



Oregon

Kate Brown, Governor

Appl. # G-3007

Water Resources Department

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COPY

December 16, 2016

Joseph Duncan
Realty Operations Branch
Real Estate Division
Seattle District, Corps of Engineers
US Department of the Army
PO Box 3755
Seattle WA 98124-3755

Re: Specific to General Industrial Notification – Certificates 33765, 33779, 33988, and 91131

Dear Mr. Duncan:

We received your letter of December 2, 2016, notifying Oregon Water Resources Department (Department) that the United States of America, acting by and through the US Army Corp of Engineers, is changing the use of water under Water Right Certificates 33765, 33779, 33988, and 91131 from the specific industrial use of “fire protection” to general industrial use.

The letter states that the general industrial use at the site will include, “...operation of a military training center on approximately 7,500 acres and public or private re-development on approximately 9,500 acres for general industrial purposes that may include, but not be limited to, construction of facilities, buildings, roads, agricultural or forest product processing, manufacturing, and fire protection.” It also identifies that any new use will continue to occur within the property owned by the United States of America, through the US Army Corp of Engineers (i.e., the holder of the original water rights), at the time the original permits were issued. Finally, the letter indicates that, “The quantity of water used for general industrial use under each certificate will not be greater than the quantity originally authorized under each certificate.”

The requirements for making the change are established under ORS 540.520(9) and OAR 690-380-2340. Your letter appears to include all of the information required under the statutes and rules. We will file your notification in our water right records.

Current statutes and rules do not include a process for Department review and approval of notifications of specific to general industrial changes. Any issues associated with eligibility and compliance will be addressed by the watermaster during normal distribution and regulation activities. However, please be aware that, in accordance with ORS 540.520(9), the quantity of water used for the general industrial use shall not be greater than the rate allowed in the original water right and shall not be greater than the quantity of water diverted, *both in rate and in volume*, to satisfy the authorized specific use under the original right.



It is also important to note that the Department's rules define "industrial water use" as:

"...the use of water for commercial water use or industrial water use."

[OAR 690-500-0020(3)]

"...the use of water associated with the processing or manufacture of a product. These uses include, but are not limited to, construction, operation and maintenance of an industrial site, facilities and buildings and related uses. Examples of these uses include, but are not limited to, general construction; road construction, non-hydroelectric power production, including down-hole heat exchange and geothermal; agricultural or forest product processing; and fire protection. Such use shall not include irrigation or landscape maintenance of more than 1/2 acre..."

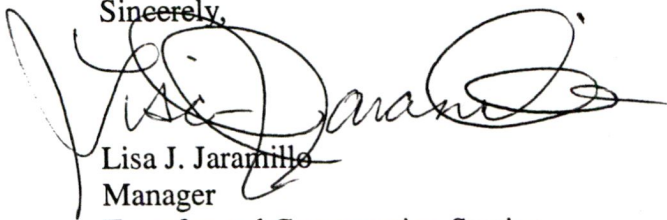
[OAR 690-300-010(25)]

If, in the future, the water right holder wishes to request a change in character of use of the subject water rights through the Water Right Transfer process under OAR 690-380, the quantity of water that may be transferred to the new use will be limited to the quantity of water beneficially used without waste under the original specific use described by the original water right consistent with the requirements and limitations specified in ORS 540.520(9).

If you have any questions concerning this response to the specific to general industrial use notification, please contact Kelly Starnes, Transfer Program Analyst, at 503-986-0886 or Patrick.K.Starnes@oregon.gov for assistance.

Please feel free to contact me at 503-986-0880 or Lisa.J.Jaramillo@oregon.gov if I may be of any other assistance.

Sincerely,



Lisa J. Jaramillo
Manager

Transfer and Conservation Section
Water Right Services Division

cc: Water Right Application Files G-3007, G-3008, G-3009, and G-3010
Mike Ladd, North Central Region Manager (via email)
Greg Silbernagel, Watermaster District 5 (via email)