

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF ALBANY
333 BROADALBIN ST SW
ALBANY OR 97321

confirms the right to use the waters of SOUTH SANTIAM RIVER, tributary to SANTIAM RIVER for FLOW AUGMENTATION.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Linn County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 18, at Page 15. The date of priority is 1874.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 85.0 CUBIC FEET PER SECOND (CFS), measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	1 W	WM	19	NW NW	CHEADLE 55	ALBANY SANTIAM CANAL: 1430 FEET NORTH AND 1050 FEET EAST FROM THE W ¼ CORNER SECTION 19

A description of the points of re-diversion, places of use to which this right is appurtenant, and associated rates are as follows:

Re-diversion POD# and Stream Name	Beginning of Reach Where Water is Re-diverted from Albany-Santiam Canal						CFS	End of Reach
	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates		
POD #1 BURKHART CR	11 S	2 W	WM	32	NE SE	1,570 FEET NORTH AND 765 FEET WEST FROM THE SE CORNER, SEC 32	15.0	MOUTH OF BURKHART CR
POD #2 COX CR	11 S	2 W	WM	30	SW NW	2,350 FEET SOUTH AND 645 FEET EAST FROM THE NW CORNER, SEC 30	20.0	MOUTH OF COX CR
POD #3 PERIWINKLE CR	11 S	3 W	WM	21	NW NE	150 FEET SOUTH AND 1,635 FEET WEST FROM THE NE CORNER, SEC 21	20.0	MOUTH OF PERIWINKLE CR

NOTICE OF RIGHT TO 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.

Re-diversion POD# and Stream Name	Beginning of Reach Where Water is Re-diverted from Albany-Santiam Canal						CFS	End of Reach
	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates		
POD #4 UNNAMED CANAL TO OAK CR	11 S	3 W	WM	19	NE NE	100 FEET SOUTH AND 820 FEET WEST FROM THE NE CORNER, SEC 19	15.0	TO CALAPOOIA R AND THEN TO MOUTH OF CALAPOOIA R
POD #5 CATHEY CANAL / CREEK	11 S	3 W	WM	7	SW SW	680 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER, SEC 7	13.0	TO OAK CR, THEN TO CALAPOOIA R AND THEN TO MOUTH OF CALAPOOIA R
POD #6 8 TH STREET CANAL	11 S	4 W	WM	12	SE NE	1725 FEET SOUTH AND 415 FEET WEST FROM THE NE CORNER, SEC 12	2.0	MOUTH OF 8 TH STREET CANAL

The water user shall maintain the meter or measuring devices at the point of diversion and the six points of re-diversion in good working order.

The water user shall measure and report the augmentation flows entering the Calapooia River from Oak Creek, including those originating from Cathey Creek. For purposes of measurement and reporting, the augmentation flows shall be measured at a location acceptable to the Department, as described below. The measurement and reporting shall be done on a weekly basis from July 15 through September 30, or as necessary to ensure continued protection of the instream water right established by certificate 66857. The Director may modify or waive the time period and frequency when flows need to be measured and reported in order to ensure that the instream water right established by certificate 66857 is not injured.


Oak Creek augmentation flows shall be measured downstream of re-diversion point #4 and as close to the confluence of the unnamed canal along Lochner Road and Oak Creek as possible, unless the Department determines that measuring at the point of diversion or an intermediary point is acceptable.

Cathey Creek augmentation flows shall be measured downstream of re-diversion point #5 and as close to the confluence of Cathey Creek and Oak Creek as possible. The Department has determined that measuring at Park Terrace SW Road is acceptable. Any change in location of this downstream measuring point must receive prior approval by the Department.

This certificate is issued to confirm a change in PLACE OF USE AND CHARACTER OF USE approved by an order of the Water Resources Director entered August 26, 2005, at Special Order Volume 66, Page 127, approving Transfer Application T-9373, and together with Certificate 81570, supercedes Certificate 49387, State record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject all conditions and limitations contained in said decree.

Issued SEP 16 2010



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Oregon Water Resources Department