

STATE OF OREGON  
COUNTY OF LINN  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF ALBANY  
MARK YEAGER, UTILITY SERVICES MANAGER  
P.O. BOX 490  
ALBANY, OR 97321

confirms the right to use the waters of the SOUTH SANTIAM RIVER, a tributary to the 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 70.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation, 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 - 1,430 FEET NORTH AND 1,050 FEET EAST FROM THE W¼ CORNER OF 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 CREEK	11 S	2 W	WM	32	NE SE	1570 FEET NORTH AND 765 FEET WEST FROM THE SE CORNER OF SECTION 32	15.0	MOUTH OF BURKHART CREEK
POD #2 COX CREEK	11 S	2 W	WM	30	SW NW	2350 FEET SOUTH AND 645 FEET EAST FROM THE NW CORNER OF SECTION 30	20.0	MOUTH OF COX CREEK
POD #3 PERIWINKLE CR	11 S	3 W	WM	21	NW NE	150 FEET SOUTH AND 1635 FEET WEST FROM THE NE CORNER OF SECTION 21	20.0	MOUTH OF PERIWINKLE CREEK
POD #5 CATHEY CANAL / CREEK	11 S	3 W	WM	7	SW SW	680 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER OF SECTION 7	13.0	TO OAK CR, THEN TO CALAPOOIA R, THEN TO MOUTH OF CALAPOOIA R.
POD #6 8 <sup>TH</sup> STREET CANAL	11 S	4 W	WM	12	SE NE	1725 FEET SOUTH AND 415 FEET WEST FROM THE NE CORNER OF SECTION 12	2.0	MOUTH OF 8 <sup>TH</sup> STREET CANAL

The water user shall maintain the meter or existing measuring device at the point of diversion and five 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.

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 describes that portion of the water right confirmed by Certificate 86470, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUNE 26 2013, approving Transfer Application T-11362.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JUNE 26 2013.

  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR