

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF ALBANY
PO BOX 490
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 W1/4 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 MARKS SLOUGH	12 S	2 W	WM	11	NE NW	570 FEET SOUTH AND 1695 FEET EAST FROM NW CORNER, SECTION 11	4.0	MOUTH OF MARK'S SLOUGH
POD #2 HOSPITAL SLOUGH	12 S	2 W	WM	2	SW SW	840 FEET NORTH AND 525 FEET EAST FROM SW CORNER, SECTION 2	6.0	MOUTH OF HOSPITAL SLOUGH
POD #3 BURKHART CREEK	11 S	2 W	WM	32	NE SE	1570 FEET NORTH AND 765 FEET WEST FROM SE CORNER, SECTION 32	20.0	MOUTH OF BURKHART CREEK
POD #4 COX CREEK	11 S	2 W	WM	30	SW NW	2350 FEET SOUTH AND 645 FEET EAST FROM NW CORNER, SECTION 30	20.0	MOUTH OF COX CREEK
POD #5 PERIWINKL E CREEK	11 S	3 W	WM	21	NW NE	150 FEET SOUTH AND 1635 FEET WEST FROM NE CORNER, SECTION 21	20.0	MOUTH OF PERIWINKLE CREEK

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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 #6 CATHEY CANAL/ CREEK	11 S	3 W	WM	7	SW SW	680 FEET NORTH AND 60 FEET EAST FROM SW CORNER, SECTION 7	13.0	TO OAK CR, THEN TO CALAPOOIA R, THEN TO MOUTH OF CALAPOOIA R
POD #7 8 TH STREET CANAL	11 S	4W	WM	12	SE NE	1725 FEET SOUTH AND 415 FEET WEST FROM NE CORNER, SECTION 12	2.0	MOUTH OF 8 TH STREET CANAL

The water user shall maintain the meter or existing measuring device at the point of diversion and points of re-diversion (3, 4, 5, 6, and 7) in good working order.

The City of Albany shall continue to measure and report the augmentation flows entering the Calapooia River from Oak Creek and Cathey Creeks. 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 right established by Water Right 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 Water Right Certificate 66857 is not injured.

Cathey Creek augmentation flows shall be measured downstream of re-diversion point POD #6 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.

The City of Albany shall maintain a measuring device on Marks Slough for purposes of measurement and reporting.

The City of Albany shall maintain a measuring device on Hospital Slough for purposes of measurement and reporting.

Within the specified flow augmentation stream reaches for Marks Slough (4 cfs) and Hospital Slough (6 cfs), and the additional flow augmentation in Burkhart Creek (5 cfs), the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of re-diversion (15 cfs), located 100 feet South and 820 feet West from the NE Corner of Section 19, T11S, R3W, W.M.

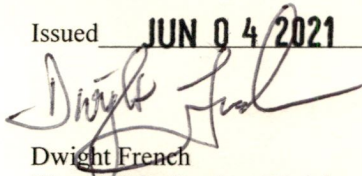
The augmented flows established by this right for Burkhart Creek shall be 20 cfs being; 15 cfs previously confirmed and an additional 5 cfs confirmed from T-11362.

The right to use 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 the decree.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered JUNE 26, 2013, at Special Order Volume 89, Page 986, approving Transfer Application T-11362, and to combine remaining right certificate 88550 into a single certificate, and supersedes Certificate 86470 and Certificate 88550, State Record of Water Right Certificates.

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

Issued JUN 04 2021.



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