

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
 OF MARION COUNTY INVESTMENT COM-)
 PANY FOR THE APPROVAL OF A CHANGE)
 IN USE, PLACE OF USE AND POINT OF)
 DIVERSION OF WATER FROM NORTH)
 SANTIAM RIVER)
 - - - - -)

O R D E R

APPROVING APPLICATION

On July 24, 1962, the Marion County Investment Company of Mill City, Oregon, filed an application in the office of the State Engineer for the approval of a change in use, place of use and point of diversion of water from North Santiam River, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Marion County, Oregon, entered January 30, 1945, In the Matter of the Determination of the Relative Rights to the Use of the Waters of North Santiam River and its Tributaries, a water right was established in the name of A. D. Gardner for the use of 812 cubic feet per second of the waters of North Santiam River for power and other manufacturing purposes in Section 10, Township 9 South, Range 1 West, W.M., with a date of priority of 1866, through the Gardner ditch. The water is diverted into this canal from the north channel of the North Santiam River at a point located 500 feet North and 2600 feet West from the southeast corner of Section 11, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 11, Township 9 South, Range 1 West, W. M.

The Marion County Investment Company proposes to change the use of 50 cubic feet per second from power and other manufacturing purposes to that of municipal purposes within the following described area:

S $\frac{1}{2}$ N $\frac{1}{2}$	S $\frac{1}{2}$ N $\frac{1}{2}$	Section 7
S $\frac{1}{2}$	S $\frac{1}{2}$	Section 8
Section 29	Section 26	Section 17
S $\frac{1}{2}$ N $\frac{1}{2}$	S $\frac{1}{2}$ N $\frac{1}{2}$	Section 18
S $\frac{1}{2}$	S $\frac{1}{2}$	Section 19
Section 30	Section 27	Section 20
All of Section 31	All of Section 34	Section 29
All of Section 32	All of Section 35	Section 30
T. 6 S., R. 2 W., W.M.	All of Section 36	Section 31
S $\frac{1}{2}$ N $\frac{1}{2}$	T. 6 S., R. 3 W., W.M.	Section 32
S $\frac{1}{2}$	All of Section 5	T. 7. S., R. 2 W., W.M.
Section 25	Section 6	

Section 1,	Section 30,	Section 1,
Section 2,	Section 31,	Section 2,
Section 3,	Section 32,	Section 3,
Section 7,	Section 33,	Section 4,
Section 8,	Section 34,	Section 5,
Section 9,	Section 35,	Section 6,
Section 10,	Section 36,	Section 7,
Section 11,	T. 7 S., R. 3 W., W.M.	Section 8,
Section 12,	Section 5,	Section 9,
Section 13,	Section 6,	Section 10,
Section 14,	Section 7,	Section 11,
Section 15,	Section 8,	Section 12,
Section 16,	Section 17,	Section 13,
Section 17,	Section 18,	Section 14,
Section 18,	N $\frac{1}{2}$ N $\frac{1}{2}$	Section 15,
Section 19,	Section 19,	Section 16,
Section 20,	N $\frac{1}{2}$ N $\frac{1}{2}$	Section 17,
Section 21,	Section 20,	Section 18,
Section 22,	W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28,	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 19,
Section 23,	S $\frac{1}{2}$ NE $\frac{1}{4}$	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 20,
Section 24,	SE $\frac{1}{4}$ NW $\frac{1}{4}$	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 21,
Section 25,	SE $\frac{1}{4}$	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 22,
Section 26,	Section 29,	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 23,
Section 27,	N $\frac{1}{2}$ NE $\frac{1}{4}$	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 24,
Section 28,	Section 32,	T. 8 S., R. 3 W., W.M.
Section 29,	T. 8 S., R. 2 W., W.M.	

and to convey the water for said purposes by means of two new diversions to be located as follows: (1) 620 feet South and 120 feet West from the north-east corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 9 South, Range 1 West, W. M., and (2) 330 feet South and 660 feet East from the N $\frac{1}{2}$ corner of Section 13, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 13, Township 9 South, Range 1 West, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use, place of use and point of diversion of water, if any there were, namely: at the office of the State Engineer, Salem, Oregon, on September 26, 1962, at 9:30 o'clock a.m. The notice was published in The Stayton Mail, a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks in the issues of August 2, 9 and 16, 1962. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

No objections having been filed and it appearing that the proposed change in use, place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use and place of use of water be and the same is hereby approved, and that the water right for the use of 50 cubic feet per second of water from North Santiam River for power and other manufacturing purposes hereinbefore described as appurtenant to Section 10, Township 9 South, Range 1 West, W. M., with a date of priority of 1866, be severed therefrom and simultaneously and without loss of priority transferred to the following described area for municipal purposes.

S $\frac{1}{2}$ N $\frac{1}{2}$	Section 7,	N $\frac{1}{2}$ N $\frac{1}{2}$
S $\frac{1}{2}$	Section 8,	Section 19,
Section 29,	Section 9,	N $\frac{1}{2}$ N $\frac{1}{2}$
S $\frac{1}{2}$ N $\frac{1}{2}$	Section 10,	Section 20,
S $\frac{1}{2}$	Section 11,	T. 8 S., R. 2 W., W.M.
Section 30,	Section 12,	Section 1,
Section 31,	Section 13,	Section 2,
Section 32,	Section 14,	Section 3,
T. 6 S., R. 2 W., W.M.	Section 15,	Section 4,
S $\frac{1}{2}$ N $\frac{1}{2}$	Section 16,	Section 5,
S $\frac{1}{2}$	Section 17,	Section 6,
Section 25,	Section 18,	Section 7,
S $\frac{1}{2}$ N $\frac{1}{2}$	Section 19,	Section 8,
S $\frac{1}{2}$	Section 20,	Section 9,
Section 26,	Section 21,	Section 10,
S $\frac{1}{2}$ N $\frac{1}{2}$	Section 22,	Section 11,
S $\frac{1}{2}$	Section 23,	Section 12,
Section 27,	Section 24,	Section 13,
Section 34,	Section 25,	Section 14,
Section 35,	Section 26,	Section 15,
Section 36,	Section 27,	Section 16,
T. 6 S., R. 3 W., W.M.	Section 28,	Section 17,
Section 5,	Section 29,	Section 18,
Section 6,	Section 30,	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 19,
Section 7,	Section 31,	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 20,
Section 8,	Section 32,	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 21,
Section 17,	Section 33,	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 22,
Section 18,	Section 34,	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 23,
Section 19,	Section 35,	N $\frac{1}{2}$ N $\frac{1}{2}$, Section 24,
Section 20,	Section 36,	T. 8 S., R. 3 W., W.M.
Section 29,	T. 7 S., R. 3 W., W.M.	W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28
Section 30,	Section 5,	S $\frac{1}{2}$ NE $\frac{1}{4}$
Section 31,	Section 6,	SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 32,	Section 7,	SE $\frac{1}{4}$
T. 7 S., R. 2 W., W.M.	Section 8,	Section 29
Section 1,	Section 17,	N $\frac{1}{2}$ NE $\frac{1}{4}$
Section 2,	Section 18,	Section 32
Section 3,		T. 8 S., R. 2 W., W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from North Santiam River, to-wit:

From a point located 500 feet North and 2600 feet West from the southeast corner of Section 11, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 11, Township 9 South, Range 1 West, W.M.

To a point to be located 620 feet South and 120 feet West from the northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 13; and

To a point to be located 830 feet South and 660 feet East from the N $\frac{1}{4}$ corner of Section 13, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 13, Township 9 South, Range 1 West, W. M.

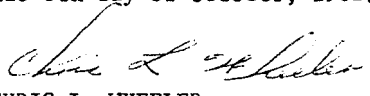
for municipal purposes within the area hereinbefore described, with a date of priority of 1866, be and the same is hereby approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1975, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that certificate of water right heretofore issued to A. D. Gardner and recorded at page 14882, Volume 12, State Record of Water Right Certificates, be and the same hereby is canceled and in lieu thereof a new certificate be issued to Marion County Investment Company covering the portion of the water right not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to City of Salem, to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 8th day of October, 1962.

*Noted on Decree
Vol. 14 p. 155
Cert. # 14882
Power Claim # 12*


CHRIS L. WHEELER
State Engineer