

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment)	FINAL ORDER
T-9934, Linn County, Oregon)	APPROVING AN ADDITIONAL POINT
)	OF DIVERSION

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of diversion and/or place of use authorized under an existing water right permit.

Applicant

City of Albany
Attn: Jeff Blaine
333 Broadalbin St. SW
Albany, Oregon 97321

Findings of Fact

1. City of Albany filed an application for an additional point of diversion under Permit 44388. The Department assigned the application number T-9934.

2. The permit to be amended is as follows:

Permit: 44388, in the name of City of Albany
Use: Municipal
Priority Date: July 12, 1979
Quantity: 29.0 cubic feet per second
Source: South Santiam River, a tributary of the Santiam River.
Date Of Complete Application of Water: October 1, 2063

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Location
12	S	1	W	W.M.	19	NW	NW	1350 feet South and 1150 feet East from the NW Corner of Section 19.

This is a final order in other than 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 137-004-080 and OAR 690-01-005 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.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	
10	S	3	W	W.M.	28	SW	NE
10	S	3	W	W.M.	28	SE	NW
10	S	3	W	W.M.	28	NE	SW
10	S	3	W	W.M.	28	SE	SW
10	S	3	W	W.M.	28	NW	SE
10	S	3	W	W.M.	28	SW	SE
10	S	3	W	W.M.	31	NE	NE
10	S	3	W	W.M.	31	NW	NE
10	S	3	W	W.M.	31	SW	NE
10	S	3	W	W.M.	31	SE	NE
10	S	3	W	W.M.	31	NE	NW
10	S	3	W	W.M.	31	NW	NW
10	S	3	W	W.M.	31	SW	NW
10	S	3	W	W.M.	31	SE	NW
10	S	3	W	W.M.	31	NE	SW
10	S	3	W	W.M.	31	NW	SW
10	S	3	W	W.M.	31	SW	SW
10	S	3	W	W.M.	31	SE	SW
10	S	3	W	W.M.	31	NE	SE
10	S	3	W	W.M.	31	NW	SE
10	S	3	W	W.M.	31	SW	SE
10	S	3	W	W.M.	31	SE	SE
10	S	3	W	W.M.	32	NW	NE
10	S	3	W	W.M.	32	SW	NE
10	S	3	W	W.M.	32	SE	NE
10	S	3	W	W.M.	32	NE	NW
10	S	3	W	W.M.	32	NW	NW
10	S	3	W	W.M.	32	SW	NW
10	S	3	W	W.M.	32	SE	NW
10	S	3	W	W.M.	32	NE	SW
10	S	3	W	W.M.	32	NW	SW
10	S	3	W	W.M.	32	SW	SW
10	S	3	W	W.M.	32	SE	SW
10	S	3	W	W.M.	32	NE	SE
10	S	3	W	W.M.	32	NW	SE
10	S	3	W	W.M.	32	SW	SE
10	S	3	W	W.M.	32	SE	SE

Township		Range		Meridian	Sec	¼ ¼	
10	S	3	W	W.M.	32	SE	SE
10	S	3	W	W.M.	33	NW	NE
10	S	3	W	W.M.	33	SW	NE
10	S	3	W	W.M.	33	NE	NW
10	S	3	W	W.M.	33	SE	NW
10	S	3	W	W.M.	33	NE	SW
10	S	3	W	W.M.	33	SE	SW
10	S	3	W	W.M.	33	NW	SE
10	S	4	W	W.M.	25	NW	NE
10	S	4	W	W.M.	25	SW	NE
10	S	4	W	W.M.	25	SE	NE
10	S	4	W	W.M.	25	NE	NW
10	S	4	W	W.M.	25	NW	NW
10	S	4	W	W.M.	25	SW	NW
10	S	4	W	W.M.	25	SE	NW
10	S	4	W	W.M.	25	NE	SW
10	S	4	W	W.M.	25	NW	SW
10	S	4	W	W.M.	25	SW	SW
10	S	4	W	W.M.	25	SE	SW
10	S	4	W	W.M.	25	NE	SE
10	S	4	W	W.M.	25	NW	SE
10	S	4	W	W.M.	25	SW	SE
10	S	4	W	W.M.	25	SE	SE
10	S	4	W	W.M.	26	NE	NE
10	S	4	W	W.M.	26	NW	NE
10	S	4	W	W.M.	26	SW	NE
10	S	4	W	W.M.	26	SE	NE
10	S	4	W	W.M.	26	NE	NW
10	S	4	W	W.M.	26	NW	NW
10	S	4	W	W.M.	26	SW	NW
10	S	4	W	W.M.	26	SE	NW
10	S	4	W	W.M.	26	NE	SW
10	S	4	W	W.M.	26	NW	SW
10	S	4	W	W.M.	26	SW	SW
10	S	4	W	W.M.	26	SE	SW
10	S	4	W	W.M.	26	NE	SE
10	S	4	W	W.M.	26	NW	SE
10	S	4	W	W.M.	26	SW	SE

Township		Range		Meridian	Sec	¼ ¼	
10	S	4	W	W.M.	26	SE	SE
10	S	4	W	W.M.	35	NE	NE
10	S	4	W	W.M.	35	NW	NE
10	S	4	W	W.M.	35	SW	NE
10	S	4	W	W.M.	35	SE	NE
10	S	4	W	W.M.	35	NE	NW
10	S	4	W	W.M.	35	NW	NW
10	S	4	W	W.M.	35	SW	NW
10	S	4	W	W.M.	35	SE	NW
10	S	4	W	W.M.	35	NE	SW
10	S	4	W	W.M.	35	NW	SW
10	S	4	W	W.M.	35	SW	SW
10	S	4	W	W.M.	35	SE	SW
10	S	4	W	W.M.	35	NE	SE
10	S	4	W	W.M.	35	NW	SE
10	S	4	W	W.M.	35	SW	SE
10	S	4	W	W.M.	35	SE	SE
10	S	4	W	W.M.	36	NE	NE
10	S	4	W	W.M.	36	NW	NE
10	S	4	W	W.M.	36	SW	NE
10	S	4	W	W.M.	36	SE	NE
10	S	4	W	W.M.	36	NE	NW
10	S	4	W	W.M.	36	NW	NW
10	S	4	W	W.M.	36	SW	NW
10	S	4	W	W.M.	36	SE	NW
10	S	4	W	W.M.	36	NE	SW
10	S	4	W	W.M.	36	NW	SW
10	S	4	W	W.M.	36	SW	SW
10	S	4	W	W.M.	36	SE	SW
10	S	4	W	W.M.	36	NE	SE
10	S	4	W	W.M.	36	NW	SE
10	S	4	W	W.M.	36	SW	SE
10	S	4	W	W.M.	36	SE	SE
11	S	3	W	W.M.	3	SW	NW
11	S	3	W	W.M.	3	NW	SW
11	S	3	W	W.M.	3	SW	SW
11	S	3	W	W.M.	4	SW	NE
11	S	3	W	W.M.	4	SE	NE

Township		Range		Meridian	Sec	¼ ¼	
11	S	3	W	W.M.	4	NE	NW
11	S	3	W	W.M.	4	NW	NW
11	S	3	W	W.M.	4	SW	NW
11	S	3	W	W.M.	4	SE	NW
11	S	3	W	W.M.	4	NE	SW
11	S	3	W	W.M.	4	NW	SW
11	S	3	W	W.M.	4	SW	SW
11	S	3	W	W.M.	4	SE	SW
11	S	3	W	W.M.	4	NE	SE
11	S	3	W	W.M.	4	NW	SE
11	S	3	W	W.M.	4	SW	SE
11	S	3	W	W.M.	4	SE	SE
11	S	3	W	W.M.	5	SW	NE
11	S	3	W	W.M.	5	SE	NW
11	S	3	W	W.M.	5	NE	SW
11	S	3	W	W.M.	5	NW	SW
11	S	3	W	W.M.	5	SW	SW
11	S	3	W	W.M.	5	SE	SW
11	S	3	W	W.M.	5	NE	SE
11	S	3	W	W.M.	5	NW	SE
11	S	3	W	W.M.	5	SW	SE
11	S	3	W	W.M.	5	SE	SE
11	S	3	W	W.M.	6	NE	NE
11	S	3	W	W.M.	6	NW	NE
11	S	3	W	W.M.	6	SW	NE
11	S	3	W	W.M.	6	SE	NE
11	S	3	W	W.M.	6	NE	NW
11	S	3	W	W.M.	6	NW	NW
11	S	3	W	W.M.	6	SW	NW
11	S	3	W	W.M.	6	SE	NW
11	S	3	W	W.M.	6	NE	SW
11	S	3	W	W.M.	6	NW	SW
11	S	3	W	W.M.	6	SW	SW
11	S	3	W	W.M.	6	SE	SW
11	S	3	W	W.M.	6	NE	SE
11	S	3	W	W.M.	6	NW	SE
11	S	3	W	W.M.	6	SW	SE
11	S	3	W	W.M.	6	SE	SE

Township		Range		Meridian	Sec	¼ ¼	
11	S	3	W	W.M.	7	NE	NE
11	S	3	W	W.M.	7	NW	NE
11	S	3	W	W.M.	7	SW	NE
11	S	3	W	W.M.	7	SE	NE
11	S	3	W	W.M.	7	NE	NW
11	S	3	W	W.M.	7	NW	NW
11	S	3	W	W.M.	7	SW	NW
11	S	3	W	W.M.	7	SE	NW
11	S	3	W	W.M.	7	NE	SW
11	S	3	W	W.M.	7	NW	SW
11	S	3	W	W.M.	7	SW	SW
11	S	3	W	W.M.	7	SE	SW
11	S	3	W	W.M.	7	NE	SE
11	S	3	W	W.M.	7	NW	SE
11	S	3	W	W.M.	7	SW	SE
11	S	3	W	W.M.	7	SE	SE
11	S	3	W	W.M.	8	NE	NE
11	S	3	W	W.M.	8	NW	NE
11	S	3	W	W.M.	8	SW	NE
11	S	3	W	W.M.	8	SE	NE
11	S	3	W	W.M.	8	NE	NW
11	S	3	W	W.M.	8	NW	NW
11	S	3	W	W.M.	8	SW	NW
11	S	3	W	W.M.	8	SE	NW
11	S	3	W	W.M.	8	NE	SW
11	S	3	W	W.M.	8	NW	SW
11	S	3	W	W.M.	8	SW	SW
11	S	3	W	W.M.	8	SE	SW
11	S	3	W	W.M.	8	NE	SE
11	S	3	W	W.M.	8	NW	SE
11	S	3	W	W.M.	8	SW	SE
11	S	3	W	W.M.	8	SE	SE
11	S	3	W	W.M.	9	NE	NE
11	S	3	W	W.M.	9	NW	NE
11	S	3	W	W.M.	9	SW	NE
11	S	3	W	W.M.	9	SE	NE
11	S	3	W	W.M.	9	NE	NW
11	S	3	W	W.M.	9	NW	NW

Township		Range		Meridian	Sec	¼ ¼	
11	S	3	W	W.M.	9	SW	NW
11	S	3	W	W.M.	9	SE	NW
11	S	3	W	W.M.	9	NE	SW
11	S	3	W	W.M.	9	NW	SW
11	S	3	W	W.M.	9	SW	SW
11	S	3	W	W.M.	9	SE	SW
11	S	3	W	W.M.	9	NW	SE
11	S	3	W	W.M.	9	SW	SE
11	S	3	W	W.M.	10	NW	NW
11	S	3	W	W.M.	10	SW	NW
11	S	3	W	W.M.	16	NW	NW
11	S	3	W	W.M.	16	SW	NW
11	S	3	W	W.M.	16	NW	SW
11	S	3	W	W.M.	16	SW	SW
11	S	3	W	W.M.	17	NE	NE
11	S	3	W	W.M.	17	NW	NE
11	S	3	W	W.M.	17	SW	NE
11	S	3	W	W.M.	17	SE	NE
11	S	3	W	W.M.	17	NE	NW
11	S	3	W	W.M.	17	NW	NW
11	S	3	W	W.M.	17	SW	NW
11	S	3	W	W.M.	17	SE	NW
11	S	3	W	W.M.	17	NE	SW
11	S	3	W	W.M.	17	NW	SW
11	S	3	W	W.M.	17	SW	SW
11	S	3	W	W.M.	17	SE	SW
11	S	3	W	W.M.	17	NE	SE
11	S	3	W	W.M.	17	NW	SE
11	S	3	W	W.M.	17	SW	SE
11	S	3	W	W.M.	17	SE	SE
11	S	3	W	W.M.	18	NE	NE
11	S	3	W	W.M.	18	NW	NE
11	S	3	W	W.M.	18	SW	NE
11	S	3	W	W.M.	18	SE	NE
11	S	3	W	W.M.	18	NE	NW
11	S	3	W	W.M.	18	NW	NW
11	S	3	W	W.M.	18	SW	NW
11	S	3	W	W.M.	18	SE	NW

Township		Range		Meridian	Sec	¼ ¼	
11	S	3	W	W.M.	18	NE	SW
11	S	3	W	W.M.	18	NW	SW
11	S	3	W	W.M.	18	SW	SW
11	S	3	W	W.M.	18	SE	SW
11	S	3	W	W.M.	18	NE	SE
11	S	3	W	W.M.	18	NW	SE
11	S	3	W	W.M.	18	SW	SE
11	S	3	W	W.M.	18	SE	SE
11	S	3	W	W.M.	19	NE	NE
11	S	3	W	W.M.	19	NW	NE
11	S	3	W	W.M.	19	NW	SW
11	S	3	W	W.M.	20	NE	NE
11	S	3	W	W.M.	20	NW	NE
11	S	3	W	W.M.	20	SW	NE
11	S	3	W	W.M.	20	SE	NE
11	S	3	W	W.M.	20	NE	NW
11	S	3	W	W.M.	20	NW	NW
11	S	3	W	W.M.	20	NE	SE
11	S	3	W	W.M.	20	NW	SE
11	S	3	W	W.M.	21	NW	NW
11	S	3	W	W.M.	21	SW	NW
11	S	3	W	W.M.	21	NW	SW
11	S	4	W	W.M.	1	NE	NE
11	S	4	W	W.M.	1	NW	NE
11	S	4	W	W.M.	1	SW	NE
11	S	4	W	W.M.	1	SE	NE
11	S	4	W	W.M.	1	NE	NW
11	S	4	W	W.M.	1	NW	NW
11	S	4	W	W.M.	1	SW	NW
11	S	4	W	W.M.	1	SE	NW
11	S	4	W	W.M.	1	NE	SW
11	S	4	W	W.M.	1	NW	SW
11	S	4	W	W.M.	1	NE	SE
11	S	4	W	W.M.	1	NW	SE
11	S	4	W	W.M.	1	SE	SE
11	S	4	W	W.M.	2	NE	NE
11	S	4	W	W.M.	2	NW	NE
11	S	4	W	W.M.	2	SW	NE

Township		Range		Meridian	Sec	¼ ¼	
11	S	4	W	W.M.	2	SE	NE
11	S	4	W	W.M.	2	NE	NW
11	S	4	W	W.M.	2	NW	NW
11	S	4	W	W.M.	2	SW	NW
11	S	4	W	W.M.	2	SE	NW
11	S	4	W	W.M.	2	NE	SW
11	S	4	W	W.M.	2	NW	SW
11	S	4	W	W.M.	2	NE	SE
11	S	4	W	W.M.	2	NW	SE
11	S	4	W	W.M.	12	NE	NE
11	S	4	W	W.M.	12	NW	NE
11	S	4	W	W.M.	12	SW	NE
11	S	4	W	W.M.	12	SE	NE
11	S	4	W	W.M.	12	SE	NW
11	S	4	W	W.M.	12	NE	SW
11	S	4	W	W.M.	12	NW	SW
11	S	4	W	W.M.	12	SW	SW
11	S	4	W	W.M.	12	SE	SW
11	S	4	W	W.M.	12	NE	SE
11	S	4	W	W.M.	12	NW	SE
11	S	4	W	W.M.	12	SW	SE
11	S	4	W	W.M.	12	SE	SE
11	S	4	W	W.M.	13	NE	NE
11	S	4	W	W.M.	13	NW	NE
11	S	4	W	W.M.	13	SW	NE
11	S	4	W	W.M.	13	SE	NE
11	S	4	W	W.M.	13	NE	NW
11	S	4	W	W.M.	13	SE	NW
11	S	4	W	W.M.	13	NE	SW
11	S	4	W	W.M.	13	NE	SE
11	S	4	W	W.M.	13	NW	SE
11	S	4	W	W.M.	13	SW	SE
11	S	4	W	W.M.	13	SE	SE
11	S	4	W	W.M.	24	NE	NE
11	S	4	W	W.M.	24	NW	NE
11	S	4	W	W.M.	24	SW	NE
11	S	4	W	W.M.	24	SE	NE
11	S	4	W	W.M.	24	NE	SW

Township		Range		Meridian	Sec	¼ ¼	
11	S	4	W	W.M.	24	SE	SW
11	S	4	W	W.M.	24	NE	SE
11	S	4	W	W.M.	24	NW	SE
11	S	4	W	W.M.	24	SW	SE
11	S	4	W	W.M.	24	SE	SE
11	S	4	W	W.M.	25	NE	NE
11	S	4	W	W.M.	25	NW	NE
11	S	4	W	W.M.	25	SW	NE
11	S	4	W	W.M.	25	SE	NE
11	S	4	W	W.M.	25	NE	NW
11	S	4	W	W.M.	25	NE	SE
11	S	4	W	W.M.	25	NW	SE

3. Application T-9964 proposes an additional point of diversion located:

Township		Range		Meridian	Sec	¼ ¼		Location
10	W	3	W	W.M.	24	SW	NW	2096 feet South and 693 feet East from the NW Corner of Section 24.

4. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

Conclusion of Law

The additional point of diversion proposed by Permit Amendment Application T-9964 is consistent with the requirements of ORS 537.211.


Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

2. When required by the department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same surface water source as the original point of diversion.
4. All other terms and conditions of Permit 44388 remain the same.
5. Permit 44388, in the name of City of Albany, is amended as described herein.

Dated at Salem, Oregon this 20th day of March, 2006.


For Phillip C. Ward,
Director

Mailing Date: MAR 21 2006