

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN CHARACTER OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9269 submitted by

CITY OF SALEM - PARK OPERATIONS
555 LIBERTY STREET SE
SALEM, OREGON 97301.

The right to be modified, as evidenced by a portion of Certificate 36242, was perfected under Permit 32148 with a date of priority of JUNE 16, 1967. The right allows the use of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for SUPPLEMENTAL IRRIGATION OF 6.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.08 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: LOT 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 28, T 7 S, R 3 W, W.M.; 1670 FEET NORTH AND 260 FEET WEST FROM THE NE CORNER OF SMITH DLC 76, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

LOT 2 (SW¼ NE¼) 0.90 ACRE
LOT 6 (SW¼ NW¼) 0.20 ACRE
SE¼ NW¼ 5.50 ACRES
SECTION 33

TOWNSHIP 7 SOUTH, RANGE 3 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the character of use from SUPPLEMENTAL IRRIGATION OF 6.6 ACRES to PRIMARY IRRIGATION OF 6.6 ACRES.

An affidavit was received from City of Salem, owner of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and is requested to be cancelled.

The portion is described by Certificate 34100, State Record of Water Right Certificates. The date of priority is October 14, 1959. The water use was for irrigation of 10.0 acres from Well 2, in the Willamette River Basin. The amount used was 0.10 cubic foot per second.

The abandoned portion is located as follows:

LOT 2 (SW¼ NE¼) 2.10 ACRES
LOT 6 (SW¼ NW¼) 0.20 ACRE
SE¼ NW¼ 7.70 ACRES
SECTION 33

TOWNSHIP 7 SOUTH, RANGE 3 WEST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.

The portion of the water right evidenced by Certificate 34100 requested to be cancelled is cancelled.

Certificates 36242 and 34100 are cancelled. New certificates will be issued to confirm that portion of Permit 32148 NOT involved in this transfer and to confirm that portion of Permit G-1474 NOT cancelled by this order. When satisfactory proof of the completed change is received, a new certificate confirming Permit 32148 will be issued.

WITNESS the signature of the Water Resources
Director, affixed JAN 07 2003.



For Paul R. Cleary, Director