

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION OF)
BOISE CASCADE CORPORATION FOR)
APPROVAL OF A CHANGE IN USE HERE-)
TOFORE MADE, PLACE OF USE, AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5476

On May 4, 1984, an application was filed in the office of the Water Resources Director by Boise Cascade Corporation for approval of changes in use heretofore made, 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 names of Oregon Pulp and Paper Co., The Thomas Kay Woolen Mills Co., and City of Salem, tabulated in Volume 14, page 354, Order Record of the Water Resources Director, for use of not to exceed 55.0 cubic feet per second from North Santiam River for manufacturing in NE 1/4 NW 1/4, Section 27, Township 7 South, Range 3 West, WM, with a date or priority of 1856, as evidenced by the certificate recorded at page 46801, Volume 39, State Record of Water Right Certificates, in the name of Boise Cascade Corporation.

Water for said right is diverted, through the Salem Ditch, from a point located 370 feet South and 565 feet East from the Northwest Corner of SW 1/4 SE 1/4, Section 11, being within the SW 1/4 SE 1/4 of Section 11, Township 9 South, Range 1 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to two points located 1) 620 feet South and 120 feet West from the Northeast Corner of SW 1/4 NE 1/4, Section 13, being within the SW 1/4 NE 1/4, and 2) 830 feet South and 660 feet East from the Northwest Corner of NW 1/4 NE 1/4, Section 13, being within the NW 1/4 NE 1/4, both Section 13, Township 9 South, Range 1 West, WM, and to cancel the balance of said right, for the use of 45.0 cubic feet per second for power generation in NE 1/4 NW 1/4, Section 27, Township 7 South, Range 3 West, WM; and to change the use and place of use therefrom to municipal use within the City of Salem being:

S 1/2 NE 1/4	W 1/2
S 1/2	Section 17
Section 31	All
W 1/2	Section 18
W 1/2 SE 1/4	All
Section 32	Section 19
Township 6 South, Range 2 West, WM	W 1/2
S 1/2 NE 1/4	Section 20
E 1/2 SW 1/4	W 1/2
SE 1/4	Section 29
Section 23	All
S 1/2 S 1/2	Section 30
Section 25	All
All	Section 31
Section 26	SW 1/4 NE 1/4
S 1/2 SE 1/4	W 1/2
Section 27	SE 1/4
NE 1/4	Section 32
E 1/2 SE 1/4	Township 7 South, Range 2 West, WM
Section 33	All
All	Section 1
Section 34	All
All	Section 2
Section 35	E 1/2
All	NW 1/4
Section 36	N 1/2 SW 1/4
Township 6 South, Range 3 West, WM	Section 3
W 1/2 E 1/2	E 1/2 NE 1/4
W 1/2	Section 4
Section 5	SE 1/4 SE 1/4
All	Section 5
Section 6	SE 1/4 SE 1/4
All	Section 6
Section 7	E 1/2 NE 1/4
W 1/2 NE 1/4	Section 7
W 1/2	All
NW 1/4 SE 1/4	Section 8
Section 8	

W 1/2 NW 1/4 SW 1/4 W 1/2 SE 1/4 Section 9	All Section 23
E 1/2 Section 10	All Section 24
All Section 11	All Section 25
All Section 12	All Section 26
All Section 13	All Section 27
All Section 14	All Section 28
E 1/2 S 1/2 SW 1/4 Section 15	E 1/2 N 1/2 NW 1/4 S 1/2 SW 1/4 Section 29
W 1/2 NE 1/4 SE 1/4 NE 1/4 NW 1/4 S 1/2 Section 16	N 1/2 NE 1/4 NE 1/4 NW 1/4 S 1/2 S 1/2 Section 30
All Section 17	All Section 31
W 1/2 NE 1/4 SE 1/4 NE 1/4 NW 1/4 S 1/2 Section 18	All Section 32
E 1/2 SE 1/4 SW 1/4 Section 19	All Section 33
All Section 20	All Section 34
All Section 21	All Section 35
All Section 22	All Section 36
	Township 7 South, Range 3 West, WM
	W 1/2 Section 4
	NW 1/4 NE 1/4 SW 1/4 NE 1/4 SE 1/4 NE 1/4 NW 1/4 S 1/2 Section 5

All
Section 6

All
Section 7

N 1/2
SW 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
Section 8

NW 1/4
W 1/2 NE 1/4
Section 9

NW 1/4 NW 1/4
Section 16

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
W 1/2
Section 17

All
Section 18

N 1/2
SE 1/4 SW 1/4
SE 1/4
Section 20

SW 1/4
Section 21

E 1/2
E 1/2 NW 1/4
NE 1/4 SW 1/4
Section 29

N 1/2 NE 1/4
Section 32

NW 1/4 NE 1/4
N 1/2 NW 1/4
Section 33

Township 8 South, Range 2 West, WM

All
Section 1

All
Section 2

All
Section 3

All
Section 4

All
Section 5

N 1/2
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
E 1/2 SE 1/4
NW 1/4 SE 1/4
Section 6

NE 1/4 NE 1/4
Section 7

E 1/2
E 1/2 NW 1/4
NW 1/4 NW 1/4
E 1/2 SW 1/4
Section 8

All
Section 9

All
Section 10

All
Section 11

All
Section 12

All
Section 13

All
Section 14

All
Section 15

All
Section 16

E 1/2
E 1/2 NW 1/4
NE 1/4 SW 1/4
Section 17

N 1/2 NE 1/4
Section 21

All
Section 22

All
Section 23

NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
Section 24

N 1/2 N 1/2
Section 26

Township 8 South, Range 3 West, WM

Notice of the application, pursuant to ORS 540.520(2), was published in the Statesman-Journal, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of August 16, 23, and 30, 1985.

Clifton R. King, Watermaster, has filed a statement to the effect that the proposed changes in use, place of use, and point of diversion of water may be made without injury to existing rights.

Protests against approval of the pending application were filed by Santiam Water Control District and City of Stayton. Based upon an agreement reached during a subsequent meeting of the parties involved, the protests were withdrawn.

No further objections having been filed and it appearing that the proposed changes 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 changes in use, place of use, and point of diversion are approved, without loss of priority, and the balance of said right is canceled.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 55.0 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

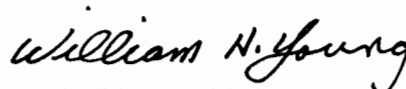
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1989.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 46801, Volume 39, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 8th day of July, 1986.


WILLIAM H. YOUNG
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

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