

STATE OF OREGON

COUNTY OF LINN

ORDER APPROVING A CHANGE IN CHARACTER OF USE
AND A CHANGE IN PLACE 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 8267 submitted by

CITY OF ALBANY PARKS AND RECREATION
333 BROADALBIN SW
ALBANY, OREGON 97321-0144.

The first right to be modified, as evidenced by Certificate 45179, was perfected under Permit 33198 with a date of priority of MAY 29, 1968. The right allows the use of the SOUTH SANTIAM RIVER AND RESERVOIR CONSTRUCTED UNDER APPLICATION R-45202, PERMIT R-5151, a tributary of the SANTIAM RIVER, for RECREATION, FISH CULTURE, AND BEAUTIFICATION - WAVERLY AND TIMBER-LINN LAKES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.0 cubic feet per second, if available at the authorized point of diversion: NW¼ NW¼, AS PROJECTED WITHIN CHEADLE DLC 55, SECTION 19, T 12 S, R 1 W, W.M.; 1400 FEET NORTH AND 1360 FEET WEST FROM THE NE CORNER OF CHEADLE DLC 38, SECTION 19, T 12 S, R 1 W, W.M.; LAKE OUTLETS: WAVERLY - 640 FEET SOUTH AND 1570 FEET

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.

WEST FROM THE NE CORNER OF COX DLC 49, TIMBER-LINN - 620 FEET SOUTH AND 2320 FEET WEST FROM THE NE CORNER OF LOT 1, SECTION 4, T 11 S, R 3 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by Certificate 45178, was perfected under Permit R-5151 with a date of priority of JULY 19, 1968. The right allows the storage of COX CREEK, APPROPRIATED UNDER APPLICATION 44998, PERMIT 33198, a tributary of the WILLAMETTE RIVER, for RECREATION, FISH CULTURE, AND BEAUTIFICATION, IN TIMBER-LINN LAKE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 24.04 acre feet.

The third right to be modified, as evidenced by Certificate 56763, was perfected under Permit 34667 with a date of priority of JUNE 9, 1970. The right allows the use of the SOUTH SANTIAM RIVER, a tributary of the SANTIAM RIVER, for RECREATION AND FISH LIFE IN WAVERLY, TIMBER-LINN, AND UPPER AND LOWER SWAN LAKES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.0 cubic feet per second, if available at the authorized point of diversion: NW¼ NW¼, AS PROJECTED WITHIN CHEADLE DLC 55, SECTION 19, T 12 S, R 1 W, W.M.; 1430 FEET NORTH AND 1050 FEET EAST FROM THE W¼ CORNER OF SECTION 19, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized places of use are located as follows:

PERMIT 33198

NW¼ SW¼
AS PROJECTED WITHIN
COX DLC 49
SW¼ SE¼
SECTION 4

NE¼ SE¼
AS PROJECTED WITHIN
COX DLC 49
SECTION 5

TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.

PERMIT R-5151

SW¼ SE¼
SECTION 4

TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.

PERMIT 34667

NW¼ SW¼
SW¼ SW¼
SW¼ SE¼
ALL AS PROJECTED WITHIN COX DLC 49
SECTION 4

NE¼ SE¼
SE¼ SE¼
BOTH AS PROJECTED WITHIN COX DLC 49
SECTION 5

NE¼ NE¼
AS PROJECTED WITHIN COX DLC 49
SECTION 8

NW¼ NW¼
AS PROJECTED WITHIN COX DLC 49
SECTION 9

TOWNSHIP 11 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 of all three permits to MUNICIPAL USE.

The applicant proposes to change the place of use of Permits 33198 and 34667 to:

NE¼ NE¼	NW¼ NW¼
NW¼ NE¼	SW¼ NW¼
SW¼ NE¼	NW¼ SW¼
SE¼ NE¼	SW¼ SW¼
NE¼ SE¼	SECTION 33
SE¼ SE¼	

SECTION 32

TOWNSHIP 10 SOUTH, RANGE 3 WEST, W.M.

SW¼ NW¼	NE¼
NW¼ SW¼	NE¼ SE¼
SE¼ SW¼	SECTION 5
SE¼	

SECTION 4

NE¼ NE¼
NW¼ NE¼

SECTION 9

TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.

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

1. The proposed changes shall be completed on or before October 1, 2005.
2. The use of water for municipal use for the right perfected under Permit 33198 shall not exceed 2.0 cubic feet per second.
3. The use of water for municipal use for the right perfected under Permit 34667 shall not exceed 5.0 cubic feet per second.
4. The quantity stored for municipal use for the right perfected under Permit R-5151 shall not exceed 24.04 acre feet per year

Certificates 45178, 45179, and 56763, are cancelled. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed **MAY 1 0 2000** .



For Martha O. Pagel, Director