

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF CITY OF SALEM AND THE METHODIST)
HOME FOR THE APPROVAL OF A CHANGE)
IN USE OF WATER FROM NORTH SANTIAM)
RIVER)
-----)

ORDER APPROVING
TRANSFER NO. 2440

On August 28, 1970, City of Salem and The Methodist Home filed an application in the office of the State Engineer for the approval of a change in use 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 Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills, and City of Salem for the use of 22.0 cubic feet per second of the waters of North Santiam River for power and manufacturing in NW¼ NE¼ and NE¼ NW¼, Section 26, Township 7 South, Range 3 West, W.M., with a date of priority of 1856, as evidenced by certificate of water right recorded at page 19800, Volume 14, State Record of Water Right Certificates.

The applicants herein propose to change the use heretofore made of 22.0 cubic feet per second of water from power and manufacturing to recreational purposes within Mill Creek channel within City of Salem in Sections 22, 23, and 26, Township 7 South, Range 3 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 of water, if any there were, namely: at the county courthouse in Salem, Oregon, on November 9, 1970, at 9:30 a.m. The notice was published in the Oregon Statesman, a newspaper printed and

having general circulation in Marion County, Oregon, for a period of three weeks in the issues of September 14, 21, and 28, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Vestal R. Garner, Watermaster of District No. 2, has filed a report to the effect that the proposed change in use of water may be made without injury to existing rights.

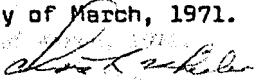
No objections having been filed and it appearing that the proposed change in use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use of water from the use of 22.0 cubic feet per second of the waters of North Santiam River for power and manufacturing in NW¼ NE¼ and NE¼ NW¼, Section 26, Township 7 South, Range 3 West, W.M. to the use of 22.0 cubic feet per second of water for recreational purposes within Mill Creek channel within City of Salem in Sections 22, 23, and 26, Township 7 South, Range 3 West, W.M., with a date of priority of 1856, is approved.

It is FURTHER ORDERED that no time need be fixed for completion as the change in use is completed.

It is FURTHER ORDERED that certificate of water right heretofore issued to Oregon Pulp and Paper Company and recorded at page 19800, Volume 14, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate shall be issued to City of Salem confirming the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 9th day of March, 1971.


CHRIS L. WHEELER
State Engineer ♀