

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF SIDNEY IRRIGATION COOPERATIVE )  
FOR APPROVAL OF A CHANGE IN PLACE )  
OF USE AND USE THERETOFORE MADE )  
OF THE WATERS OF NORTH SANTIAM )  
RIVER. )  
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O R D E R  
REFUSING APPLICATION

On August 22, 1940, the Sidney Irrigation Cooperative filed with the State Engineer an application for the approval of a change in place of use and use theretofore made of the waters of North Santiam River.

The applicant claims a right to the use of 35 cubic feet per second of the waters of North Santiam River to be conveyed through the Sidney Power Company's ditch, sometimes known as Sidney Mill Ditch, for the development of 200 theoretical water horsepower, with a date of priority of 1870.

The applicant now prays the State Engineer that notice by publication be given as provided by Section 47-712, Oregon Code 1935 Supplement, and that an order be entered approving the change from development of power to the irrigation of approximately 1,993 acres.

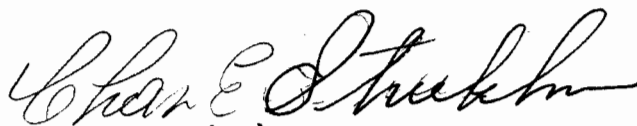
It appears that before the aforesaid prayer can be answered, it must first be admitted, determined, and established that said applicant does in law and in fact possess the above-stated right to which it lays claim.

It also appears that such admission, determination, or establishing of said right would be tantamount to an adjudication, the exclusive authority and procedure for which is set out in Sections 47-601 to 47-623, inclusive, Oregon Code 1930.

It further appears that said right of said applicant has not been admitted or established according to the above provisions of the Oregon Code; therefore, consideration of this matter is deemed not to be within the authority or jurisdiction of the State Engineer.

NOW, THEREFORE, it is ORDERED that the application of the Sidney Irrigation Cooperative for approval of a change in place of use and use theretofore made of the waters of North Santiam River be refused and the applicant remain in status quo until such time as its rights are determined and established according to law.

Dated at Salem, Oregon, this 26th day of August, 1940.

A handwritten signature in cursive script, reading "Chas. E. Stricklin".

CHAS. E. STRICKLIN

State Engineer