

# STATUS OF APPLICATION

Change in Character of Use  
 Date filed August 28, 1970  
 Date of hearing November 9, 1970  
 Place of hearing Salem, Oregon  
 ✓ Date of order 3-9-71 Vol. 20, page 447  
 Date for application of water completed  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued 11-3-72 Vol. 30, page 38655

# DESCRIPTION OF WATER RIGHT

Name of stream North Santiam River  
 Trib. of \_\_\_\_\_ County of Marion  
 Use From Powers Mfg. to Recreation  
 Quantity of water 22<sup>0</sup> cfs No. of acres \_\_\_\_\_  
 Name of ditch Salem Canal  
 Date of priority 1856  
 In name of Oregon Pulp & Paper Co.  
N. Santiam Riv. Adjudication, Vol. 14, page 163  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 19800  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by slu

# FEES PAID

Date	Amount	Receipt No.
<u>8-28-70</u>	<u>25.00</u>	<u>20631</u>
<u>8-28-70</u>	<u>25.00<sup>PON</sup></u>	<u>20632</u>
TOTAL . . .		
<u>9-29-70</u>	<u>\$1 Cert. Fee</u>	<u>From Pub. 7 Mt.</u>

# FEES REFUNDED

Date	Amount	Check No.
<u>9-29-70</u>	<u>*2.60 Pub. 7 Mt.</u>	<u>3899</u>

# REMARKS

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	<input checked="" type="checkbox"/> Name	<u>slu</u>	___
	<input checked="" type="checkbox"/> Stream	<u>slu</u>	___
	<input type="checkbox"/> Pt. of Div.	___	___
	<input checked="" type="checkbox"/> Calendar	<u>Survey</u>	___
	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/> Twp. & Rge.	<u>slu</u>	___
	<input checked="" type="checkbox"/> Decree-vault	<u>slu</u>	___
	<input checked="" type="checkbox"/> Decree-safe	<u>slu</u>	___
	<input checked="" type="checkbox"/> Cert. of W/R	<u>slu</u>	___
	<input type="checkbox"/> Per. Folder	___	___
<input type="checkbox"/> Chainindex	___	___	
<input type="checkbox"/> Cross Ref.	___	___	
<input type="checkbox"/> Power Claim	___	___	
<input type="checkbox"/> Abstracts	___	___	



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.

/s/ CHRIS L. WHEELER  
State Engineer



## STATE OF OREGON

COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That OREGON PULP AND PAPER COMPANY

of Salem, State of Oregon, has a right to the use of  
the waters of North Santiam River

for the purpose of Power and Manufacturing

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Marion County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 14, at page 354; that the priority of the right thereby confirmed dates from 1856;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 22 cubic feet per second.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Within the corporate limits  
of the City of Salem, Oregon.

NOTE: This Certificate of Water Right and Certificate of Water Right recorded at page 19801, Volume 14, together with Certificate of Water Right to be issued to the City of Salem, Oregon, pursuant to the provisions of an Order of the State Engineer entered September 10, 1951, approving an application of the City of Salem, Oregon, and the Oregon Pulp and Paper Company for a change in use, place of use and point of diversion of water from North Santiam River, supersede Certificate of Water Right heretofore issued to the Oregon Pulp and Paper Company, Thos. Key Woolen Mills Company and the City of Salem, Oregon, and recorded at page 14901, Volume 14, State Record of Water Right Certificates.

See Power Claim  
#68 & 68A

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 16th day of June, 1952.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 19,800.



## STATE OF OREGON

COUNTY OF

MARION

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That **BOISE CASCADE Corp.****315 Commercial St. S.E.**of **Salem**, State of **Oregon** <sup>97301</sup>, has a rightto the use of the waters of **North Santiam River**a tributary of **Santiam River**

for the purpose of

**power and manufacturing**

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for **Marion** County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume **14**, at page **354**; that the priority of the right thereby confirmed dates from **1856**;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **162.0** cubic feet per second. <sub>100.0</sub>

The point of diversion is located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11, T. 9 S., R. 1 W., W. M. 370' South and 565' East from the NW Corner, SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 27  
T. 7 S., R. 3 W., W. M.

T-3999  
0.62 cfs

~~Certificate of water right recorded at page 19801, Volume 14, State Record of Water Right Certificates, confirms the right to the use of 172.0 cubic feet per second of water for power and manufacturing. A change in the right to the use of 10.0 cubic feet per second of water was approved by order of the State Engineer entered March 30, 1972. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued.~~

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 38652, Volume 30, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Oct 6, 1978, approving transfer application No. 3999.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date

November 3

, 1972

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38652

46801

T-3999



## STATE OF OREGON

COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That the CITY OF SALEM

of Salem, State of Oregon, has a right  
to the use of the waters of North Santiam River

a tributary of Willamette River for the purpose of  
recreation within Mill Creek channel  
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Marion County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 14, at page 354; that the priority of the right thereby  
confirmed dates from 1856

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 22.0 cubic feet per  
second

The point of diversion is located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 11, T. 9 S., R. 1 W., W.M.

A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

S $\frac{1}{2}$  NE $\frac{1}{4}$   
NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 22,

NW $\frac{1}{4}$  SW $\frac{1}{4}$   
S $\frac{1}{2}$  SW $\frac{1}{4}$   
SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 23,

W $\frac{1}{2}$  NE $\frac{1}{4}$   
NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 26,

Township 7 South, Range 3 West, W.M.

This certificate is issued to confirm a change in use approved by an order of the  
State Engineer entered March 9, 1971, and supersedes certificate of water right  
issued to Oregon Pulp and Paper Company and recorded at page 19800, Volume 14,  
State Record of Water Right Certificates.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place  
of use herein described.

WITNESS the signature of the State Engineer, affixed

this date November 3, 1972.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38655



NOTICE OF FILING APPLICATION  
FOR A CHANGE IN  
USE OF WATER

Notice is given hereby that City of Salem and The Methodist Home have filed an application for the approval of a change in use of water from North Santiam River.

In the North Santiam River Adjudication proceedings, a water right was established in the names of Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills, and City of Salem for the use of 172.0 cubic feet per second of the waters of North Santiam River for power and manufacturing in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 26, T. 7 S., R. 3 W., W.M., with a date of priority of 1856.

The applicants herein propose to change the use heretofore made of 22.0 cubic feet per second of water to use for recreational purposes within Mill Creek Channel within City of Salem in Secs. 22, 23, and 26, T. 7 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Salem, Oregon, on November 9, 1970, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on City of Salem and The Methodist Home, City Hall, Salem, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 9th day of September, 1970.

CHRIS L. WHEELER  
State Engineer  
OS Sept. 14, 21, 28, 1970

# Affidavit of Publication

STATE OF OREGON,

County of Marion, } ss.

I, Robert Sprague, being first duly sworn, depose and say that I am the ~~editor, publisher, manager~~, advertising manager, ~~proprietor~~ of THE OREGON STATESMAN, a newspaper of general circulation as defined by sections 193.010 to 193.110, Oregon Revised Statutes; printed and published at Salem in the aforesaid county and state; that the

Notice, a printed copy of which is hereby annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues: September 14, 21, 28, 1970

Subscribed and sworn to before me this 28th day of September, 1970

Notary Public for Oregon

My commission expires 12/12/73

**RECEIVED**  
SEP 29 1970  
**STATE ENGINEER**  
**SALEM, OREGON**



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