

2497 Boise Cascade Corp.
20 River Inn
Boise, Idaho

2497

STATUS OF APPLICATION

Change in Character of Use
Date filed March 9, 1971
Date of hearing March 27, 1972 2:30 a.m.
Place of hearing County Court House, Salem
Date of order Mar 30, 1972 Vol. 21, page 502
Date for application of water 10-1-73
Proof mailed _____
Proof received _____
Certificate issued 11-3-72 Vol. 30, page 38652
JUN 9 1978 **38** **45786**
Remaining copy filed 12/77

DESCRIPTION OF WATER RIGHT

Name of stream North Santiam River
Trib. of _____ County of Marion
Use from power & manufacturing to landscape enhancement
Quantity of water 10.0 cfs No. of acres _____
Name of ditch South Power
Date of priority 1856
In name of Ore. Pulp & Paper Co., Thos. Kay Woolen Mills
N. Santiam Riv. City of Salem
Adjudication, Vol. 14, page 163
App. No. _____ Per. No. _____ Cert. No. 19801
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
3-9-71	20.00	22895
3-9-71	30.00 ^{PON}	22896
TOTAL . . .		
2-18-72	\$1.67	
	\$1 Cert. Fee	From Pub. J. Not.
5-10-78	\$2 Cert Fee	2817

FEES REFUNDED

Date	Amount	Check No.
10-9-79	174	3850

REMARKS

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

149

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF BOISE CASCADE CORPORATION FOR)
THE APPROVAL OF A CHANGE IN USE)
OF WATER FROM NORTH SANTIAM RIVER)

ORDER APPROVING
TRANSFER NO. 2497

On March 9, 1972, Boise Cascade Corporation 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 the North Santiam River, and its Tributaries, a water right was established in the names of Oregon Pulp and Paper Company, The Thomas Kay Woolen Mill and City of Salem confirming a right to the use of 172 cfs of water for power and manufacturing within the City of Salem.

The applicant herein proposes to change the right for use heretofore made of 10.0 cfs of water for development of power and manufacturing to beautification purposes at the Civic Center site in the SE¼ NW¼, Section 27, Township 7 South, Range 3 West without loss of priority.

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 March 27, 1972, 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 February 3, 10, 17, 1972. The date set for hearing in said notice was not less than

thirty days after the last publication of the notice.

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 10.0 cfs of the waters of North Santiam River for power and manufacturing in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 7 South, Range 3 West, W.M., to the use for beautification purposes at the Civic Center site within Block 37, City of Salem in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 7 South, Range 3 West, W.M., with a date of priority of 1856 is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that certificate of water right heretofore issued to Oregon Pulp and Paper Company, The Thomas Kay Woolen Mill and City of Salem, and recorded at page 19801, Volume 14, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in use of water, a certificate of water right shall be issued to the City of Salem confirming the change in use of water.

Dated at Salem, Oregon, this 30th day of March, 1972.

/s/ CHRIS L. WHEELER
State Engineer

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Boise Cascade Corporation
(Name of applicant)

of P. O. Box 200
(Postoffice), County of Ada

State of Idaho, do hereby make application for change in use of water to

beautification and change in place of use to Civic Center Site, located in Blk 37, City of Salem
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is North Santiam River
(Name of stream)

2. The use to which the water is applied is power and manufacturing
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is South Mill Creek, known as South Power

4. The point of diversion is located 370 ft. S and 565 ft. E from the NW
(N. or S.) (E. or W.)

corner of SW 1/2 SE 1/4, Sec. II, being within the SW 1/4 SE 1/4
(Section or subdivision)

of Section II, Tp. 9 S, R. 1 W, W. M., in the County of Marion
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
7S	34	27					X											
NOT APPLICABLE																		

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? See "Remarks"
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right? 1856

9. Was your water right acquired by State Engineer's Permit? No. If so, give number
(Yes or No)

of permit

10. Do you hold a water right certificate? Yes If so, give number of certificate 19800
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes If so, give title of proceedings North Santiam River
(Yes or No)

12. Is the water right recorded in your name? Oregon Pulp & Paper Co.
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
7S	3W	27								X								

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the of Section Tp. R. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located?

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are

AFFIDAVIT OF APPLICANT

IDAHO
STATE OF ~~OREGON~~)
Ada) ss.
COUNTY OF ~~MARION~~)

Personally appeared J. E. Clute, who, being sworn, stated that he is the vice President of grantor corporation and that the seal affixed hereto is its seal and that this agreement was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors. Before me:

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of September, 1970.

BOISE CASCADE CORPORATION

By: J. E. Clute

Title: Vice President

SUBSCRIBED AND SWORN TO before me this 30 day of September, 1970.

(Notarial Seal)

Carlene Church
NOTARY PUBLIC FOR ~~OREGON~~ Idaho
My Commission Expires: June 1, 1972

IN WITNESS WHEREOF, the said City of Salem has caused this application to be signed in its corporate name by its Mayor, and to be duly attested by its recorder, and has caused its corporate seal to be hereunto affixed this _____ day of September, 1970.

CITY OF SALEM, OREGON

By: Vern Miller

Mayor

ATTEST:

City J. Marsh
City Recorder

Remarks: The decree of the Circuit Court for Marion County entered January 30, 1945, confirmed a right to the use of 254 cfs for power and manufacturing within the City of Salem. Of this, the use of 60 cfs was changed to municipal use by the City of Salem approved by an order of the State Engineer entered September 10, 1951. This application is made to change the right for development of power and manufacturing of ten (10) CFS for beautification purposes at the Civic Center site. Boise Cascade Corporation and the City of Salem have interest in the diversion and conveyance facilities from the North Santiam River.

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

Transfer No. 2497 County MARION

1. Name Boise Cascade/City of Salem Address City Hall, Salem

2. Source of Supply North Santiam River, Trib. of _____

3. Amount of Water 10.0 cfs Priority Date ~~Jan 30, 1945~~ 1856

4. Use from power & mfg to beautification purposes

5. Proposed Point of Diversion _____

6. Place of Use date for application 10/1/73

[illegible]

Form C

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

Application No. 2497

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, the City of Salem, the holder of Permit No. 2497, to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 30th day of March, 1972.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of April, 1972.

Daniel D. Hartman

(Signature of Applicant)

City Hall, Salem, Oregon

(Address)

Asst. City Attorney - City of Salem

RECEIVED
APR 7 1972
STATE ENGINEER
SALEM, OREGON

NOTICE OF FILING APPLICATION
FOR A CHANGE IN
USE OF WATER

Notice is given hereby that Boise Cascade Corporation has 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 NE¹/₄ NW¹/₄, Section 27, Township 7 South, Range 3 West, W.M., with a date of priority of 1856.

The applicants herein propose to change the use heretofore made of 10.0 cubic feet per second of water to use for beautification purposes at the Civic Center Site within Block 37, City of Salem in SE¹/₄ NW¹/₄, Section 27, Township 7 South, Range 3 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Salem, Oregon, on March 27, 1972, 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 Boise Cascade Corporation, P. O. Box 200, Ada, Idaho, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5.00 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 28th day of January, 1972.

CHRIS L. WHEELER
State Engineer

OS Feb. 3, 10, 17, 1972

Affidavit of Publication

STATE OF OREGON,

County of Marion, } ss.

FEB 18 1972

STATE ENGINEER
SALEM, OREGON

I, Robert M. Pritchard, being first duly sworn, depose and say that I am the ~~editor, publisher, manager~~, advertising manager, ~~and 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 Public 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: February 3, 10, 17, 1972.

Robert M. Pritchard

Subscribed and sworn to before me this 17th day of February, 19 72

[Signature]
Notary Public for Oregon

My commission expires 12/24/72

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CHRIS L. WHEELER
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Public 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: February 3, 10, 17, 1972.

Robert M. Pritchard

Subscribed and sworn to before me this 17th day of February, 19 72

[Signature]
Notary Public for Oregon

My commission expires 12/12/73

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CHRIS L. WHEELER
State Engineer