

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF REX, V. L. AND DUANE GIBSON)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM GIBSON)
GULCH AND RESERVOIR)

ORDER APPROVING
TRANSFER NO. 2439

On August 21, 1970, Rex, V. L. and Duane Gibson filed an application in the office of the State Engineer for the approval of a change in place of use of water from Gibson Gulch and reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Rex, V. L., Fred and Duane Gibson and recorded at page 29900, Volume 21, State Record of Water Right Certificates, confirms a right to the use of 0.30 cubic foot per second of the waters of Gibson Gulch and reservoir for the irrigation of, among other lands, 8.0 acres in Lot 3 (NE¼ SW¼), Section 12, Township 7 South, Range 4 West, W.M., with a date of priority of April 14, 1955.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 8.0 acres in SE¼ NE¼, Section 12, Township 7 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the

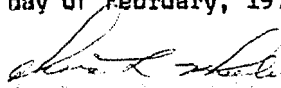
proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 8.0 acres in Lot 3 (NE¼ SW¼), Section 12, Township 7 South, Range 4 West, W.M., with a date of priority of April 14, 1955, be severed therefrom and simultaneously and without loss of priority, transferred to 8.0 acres in SE¼ NE¼, Section 12, Township 7 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1971.

It is FURTHER ORDERED that certificate of water right heretofore issued to Rex, V. L., Fred and Duane Gibson and recorded at page 29900, Volume 21, 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 of water right shall be issued to Rex, V. L. and Duane Gibson confirming the extent to which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding.

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


CHRIS L. WHEELER
State Engineer