

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION )  
OF A.V. GILBERT FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM HAMILTON CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2549

On July 21, 1971, A.V. Gilbert filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Hamilton Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Granford G. and Bernice L. Burrell, and recorded at page 21344, Volume 15, State Record of Water Right Certificates, confirms a right to the use of the waters of Hamilton Creek, for the irrigation of, 14.6 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25, Township 12 South, Range 1 West, W.M., with a date of priority of May 27, 1953. Certificate of water right issued to A. V. Gilbert and recorded at page 27559, Volume 19, State Record of Water Right Certificates, confirms a right to the use of the waters of Hamilton Creek, for the irrigation of 25.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and 16.3 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25, Township 12 South, Range 1 West, W.M., with a date of priority of October 8, 1956. These lands are irrigated from a point of diversion located 380 feet North and 2050 feet West from the NE corner of SE $\frac{1}{4}$  of Section 25, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , of Section 25, Township 12 South, Range 1 West, W.M., and South 67° 45' West, 9.41 chains from the NE corner of SE $\frac{1}{4}$  of Section 25, being within the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 25, Township 12 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation at a point located South 60 $\frac{1}{2}$ ° West 10.0 chains from the NE corner of SE $\frac{1}{4}$  of Section 25, being

within the NE¼ of SE¼ of Section 25, Township 12 South, Range 1 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 point of diversion of water, if any there were, namely: at the county courthouse in Albany, Oregon, on December 28, 1971, at 9:30 a.m. The notice was published in the Lebanon Express, a newspaper printed and having general circulation in Linn County, Oregon, for a period of three weeks in the issues of November 1, 8, & 15, 1971. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Hamilton Creek, to-wit:

From a point located 380 feet North and 2050 feet West from the NE corner of SE¼ of Section 25, being within the SW¼ NE¼ of Section 25, Township 12 South, Range 1 West and; South 67° 45' West 9.41 chains from the NE corner of SE¼ of Section 25, being within the NE¼ of SE¼, Section 25, Township 12 South, Range 1 West, W.M.

To a point to be located South 60½° West, 10.0 chains from the NE corner of SE¼ of Section 25, being within the NE¼ of SE¼ of Section 25, Township 12 South, Range 1 West, W.M.

for the irrigation of 14.6 acres in NW¼ SE¼, with a date of priority of May 27, 1953, and 25.0 acres in NE¼ SE¼, and 16.3 acres in SE¼ SE¼, with a date of priority of October 8, 1956, Section 25, Township 12 South, Range 1 West, W.M., is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or

before October 1, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.18 cubic feet per second, with a date of priority of May 27, 1953 and 0.52 cubic feet per second, with a date of priority of October 8, 1956.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

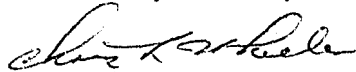
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

The right to the use of 0.15 cubic feet per second of the waters of Hamilton Creek for the irrigation of 0.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 11.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 25, Township 12 South, Range 1 West, which is the balance of the right evidenced by certificate recorded at page 21344, Volume 15, State Record of Water Right Certificates, was canceled by an order of the State Engineer entered March 30, 1972.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Granford G. and Bernice L. Burrell and recorded at page 21344, Volume 15, State Record of Water Right Certificates and the certificate issued to A. V. Gilbert and recorded at page 27559, Volume 19, State Record of Water Right Certificates are canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, certificates of water right shall be issued to A. V. Gilbert confirming the change in point

of diversion.

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



CHRIS L. WHEELER  
State Engineer