

Rex, V. L. & Duane Gibson
P. 172 Rosemont, Ill.
Salem, Ore 97304

2439

STATUS OF APPLICATION

Change in Place of Use
Date filed August 21, 1970
Date of hearing _____
Place of hearing _____
✓ Date of order 2-9-71 Vol. 20, page 397
Date for application of water 10-1-71
Proof mailed _____
Proof received _____
Certificate issued JUN 28 1974 Vol. 32, page 40633

To Survey Sept. 16, 1971

DESCRIPTION OF WATER RIGHT

Name of stream Gibson Gulch & Gibson Res.
Trib. of _____ County of Polk
Use Irrigation
Quantity of water _____ No. of acres 80
Name of ditch Unnamed
Date of priority April 14, 1955
✓ In name of Rex, V. L., Fred & Duane Gibson
_____ Adjudication, Vol. _____, page _____
App. No. R-29900 29901 Per. No. R-1763 29899 Cert. No. 29900
23681
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>8-21-70</u>	<u>25.00</u>	<u>20553</u>
TOTAL . . .	<u>1.50</u>	<u>40263</u>
<u>5-23-74</u>	<u>\$1 Cert. Fee</u>	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

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

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 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, 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 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, 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.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **REX, V. L., ~~FRED~~ and DUANE GIBSON**
 of ^{172 Rosemont} ~~190 Kingwood~~ Avenue N. W., Salem, State of Oregon ⁹⁷³⁰⁴, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 Gibson Gulch (Creek) and reservoir constructed under Application No. R-29900,
 Permit No. R-1763,
 a tributary of Willamette River for the purpose of

irrigation of 18.8 acres and supplemental irrigation of 12.8 acres

under Permit No. 23681 of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from April 14, 1955

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

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the Lot 2 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 12, T. 7 S., R. 4 W., W.M.

^{400 ft S & 400 ft E from Center Sec 12}

The amount of water used for irrigation, together with the amount secured under any other
 right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
 per acre, or its equivalent for each acre irrigated from direct flow and shall be
 further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each
 acre irrigated during the irrigation season of each year from direct flow and
 storage from reservoir constructed under Permit No. R-1763 and shall be still
 further limited to the use of stored water only on lands described as supplemental,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

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

	Primary	Supplemental	
0.1 acre	1.8 acres	12.8 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$
1.9	3.4 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$
5.9	5.6 acres		SE $\frac{1}{4}$ NE $\frac{1}{4}$
10.9	8.0 acres		Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
			Section 12
			T. 7 S., R. 4 W., W. M.

This certificate is issued to confirm a change in place of use ^{and remaining right} approved by an order
 of the State Engineer entered Feb 9, 1971, and supersedes 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.

this date. JULY 13 1962

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 21, page 29900