

2549 A.V. Gilbert
Rt. 3, Box 124
Lebanon, Ore. 97355

2549

STATUS OF APPLICATION

Change in Point of Diversion
Date filed July 21, 1971
Date of hearing December 28, 1971
Place of hearing Allamby, Oregon
Date of order June 30, 1972 Vol. 22, page 86
Date for application of water 10-1-73
Proof mailed _____
Proof received _____
Certificate issued FEB 23 1974 Vol. 31, page 39840

12 11-1-72 Survey
2-24-74 002

DESCRIPTION OF WATER RIGHT

Name of stream Hamilton Creek
Trib. of — County of Linn
Use Irrigation
Quantity of water _____ No. of acres 55.9
Name of ditch —
Date of priority 5/27/53 & 10/8/56
In name of A.V. Gilbert / G.G. & B.L. Burrell
_____ Adjudication, Vol. _____, page _____
App. No. 31159 Per. No. 24556 Cert. No. 27559
~~26248 28476~~ ~~20453 22297~~ ~~21316 21344~~
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
7-21-71	30.00	24858
8-9-71	20.00 ^{per}	25142
TOTAL . . .		
11-17-71	^{\$2} \$1 Cert. Fee	From P.O.N. (sum # 2548)
2-13-74	1.00	38642

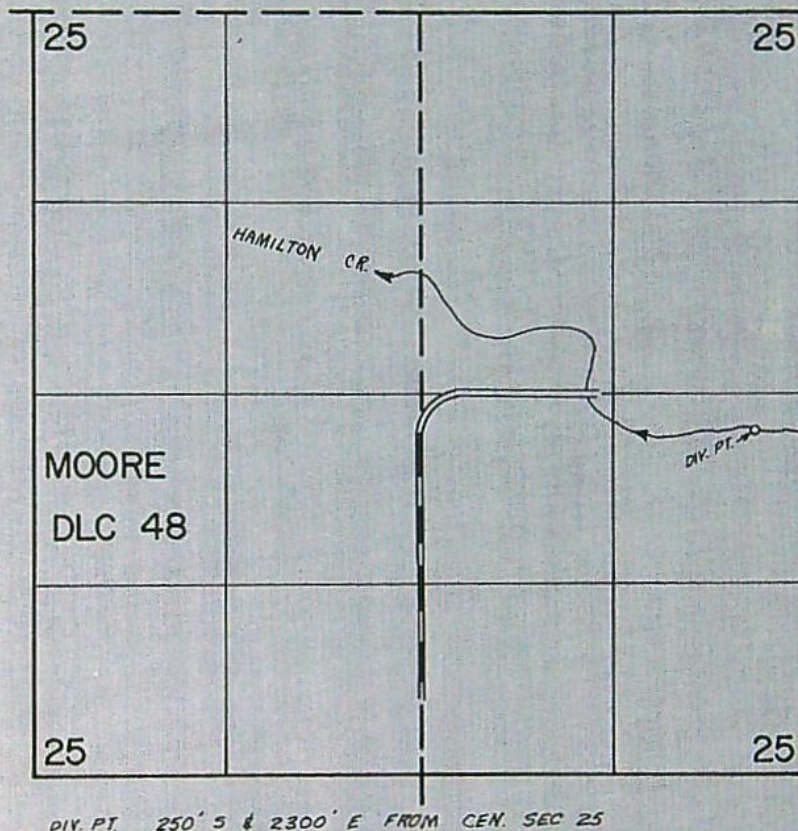
FEES REFUNDED

Date	Amount	Check No.

REMARKS

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

T. 12 S. R. 1 W. W. M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO 2549

Application No. Permit No.
IN NAME OF

A. V. GILBERT

Surveyed MAY 9 1973, by R. G. MUCKEN

MILLERS FALLS
ALL COTTON

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)

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 NW¼ SE¼, 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 NE¼ SE¼, and 16.3 acres in SE¼ SE¼, 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 SE¼ of Section 25, being within the SW¼ NE¼, of Section 25, Township 12 South, Range 1 West, W.M., and South 67° 45' West, 9.41 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.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation at a point 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.

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.

MILLERS FALL

/s/

CHRIS L. WHEELER
State Engineer

ALL COTTON

NOTICE OF FILING APPLICATION
FOR A CHANGE IN POINT
OF DIVERSION OF WATER

Notice is given hereby that A.V. Gilbert has filed an application for the approval of a change in point of diversion of water from Hamilton Creek.

Certificate of water right issued to Granford G. and Bernice L. Burrell and recorded at page 21344, Volume 15, State Board of Water Right Certificates, confirms a right to the use of 0.33 cubic foot per second of water from Hamilton Creek for the irrigation of, among other lands, 14.6 acres in NW¹/₄, SE¹/₄, Sec. 25, T. 12 S., R. 1 W., W.M., with a date of priority of May 27, 1953. These lands are irrigated from a point of diversion located 380 ft. N and 2050 ft. W from the NE corner of SE¹/₄ of Sec. 25 being within the SW¹/₄, NE¹/₄ of Sec. 25, T. 12 S., R. 1 W., W.M.

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 0.52 cubic foot per second of water from Hamilton Creek for the irrigation of 25.0 acres in NE¹/₄, SE¹/₄, and 16.3 acres in SE¹/₄, SE¹/₄, Sec. 25, T. 12 S., R. 1 W., W.M., with a date of priority of October 8, 1956. These lands are irrigated from a point of diversion located S 67 degrees 45' W 9.41 chains from the NE corner of SE¹/₄ of Sec. 25 being within the NE¹/₄, SE¹/₄ of Sec. 25, T. 12 S., R. 1 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located S 60.5 degrees W 10 chains from the NE corner of the SE¹/₄ of Sec. 25 being within the NE¹/₄, SE¹/₄ of Sec. 25, T. 12 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Albany, Oregon on December 28, 1971, 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 A.V. Gilbert, Route 3, Box 124, Lebanon, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 26th day of October, 1971.

CHRIS L. WHEELER
State Engineer

November 1, 8, 15, 1971

Affidavit of Publication

RECEIVED
NOV 16 1971

STATE ENGINEER
SALEM OREGON

STATE OF OREGON, } ss.
County of Linn.

I, Emma Fair, being first duly sworn, depose and say that
I am clerk

of The Lebanon Express, a newspaper of
general circulation, as defined by ORS 193,010 and 193,020; published at Lebanon
in the aforesaid county and state, that the
Notice of Filing Application

a printed copy of which is hereto annexed, was published in the entire issue of
said newspaper for three (3) successive and consecutive weeks in
the following issues:

November 1, 8, 15, 1971

Emma Fair
Subscribed and sworn to before me this 15 day of November 1971

Donna J. Ray
Notary Public for Oregon
My Commission expires July 13, 1974