

Errol E. Waller
Terrebonne, Ore.

2846

STATUS OF APPLICATION

Change in Place of Use
Date filed July 3 1973
Date of hearing _____
Place of hearing _____
Date of order 12-17-73 Vol. 23, page 452-3
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued MAY 24 1974 Vol. 32, page 40392
MAR 9 1977 Vol. 36, page 44203

DESCRIPTION OF WATER RIGHT

Name of stream Hamilton Creek
Trib. of _____ County of Linn
Use Irrigation
Quantity of water _____ No. of acres 196
Name of ditch _____
Date of priority Jan. 18, 1952
In name of Wm. & Hester McPherson
_____ Adjudication, Vol. _____, page _____
App. No. 26794 Per. No. 21049 Cert. No. 26420
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-3-73</u>	<u>25.00</u>	<u>35304</u>
TOTAL . . .		
<u>7-3-73</u>	<u>1.50</u> Cert. Fee	<u>35305</u>
<u>1-24-77</u>	<u>\$2.00</u>	<u>57724</u>

FEES REFUNDED

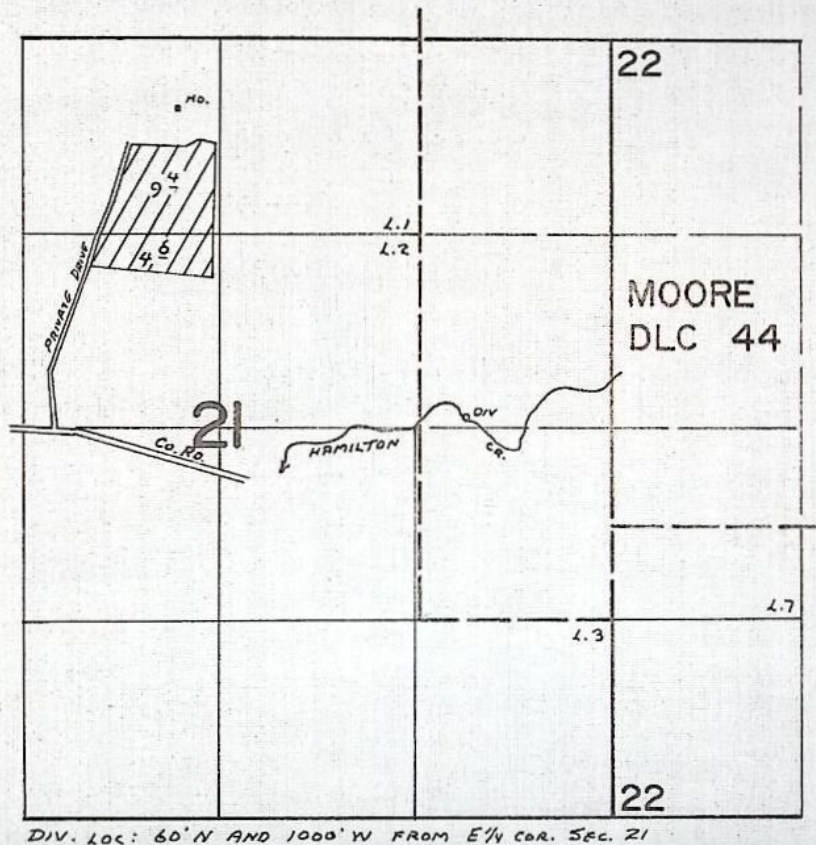
Date	Amount	Check No.

REMARKS

proof mailed 12-15-76
form 131 sent 1/20/77

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

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



FINAL PROOF SURVEY
UNDER

Transfer No. 2846
Application No. _____ Permit No. _____
IN NAME OF

J. R. FRITZ

Surveyed MAY 27 1975, by L. Toll

STATE OF OREGON

COUNTY OF

LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HAROLD E. WALLER

of Terrebonne, State of Oregon, 97760, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Hamilton Creek

a tributary of South Santiam River for the purpose of the irrigation of 14.0 acres

under Permit No. 21049 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 January 18, 1952 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 0.18 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Moore DLC 44, Section 21, T. 12 S., R. 1 W., W. M., 60 feet North and 1000 feet West from the E $\frac{1}{2}$ Corner, Section 21.

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 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,

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:

9.4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
4.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 21
T. 12 S., R. 1 W., W. M.

This certificate is issued to confirm a change in place of use approved December 17, 1973, and together with certificate 40392 supersedes certificate of water right 26420.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. March 9, 1977

James E. Sexson

Water Resources Director

STATE OF OREGON
COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That WILLIAM & HESTER McPHERSON
97355
of **Route 3, Box 638, Lebanon**, State of **Oregon**, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Hamilton Creek

a tributary of **South Santiam River** for the purpose of
irrigation of 44.4 acres

under Permit No. **21049** 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 **January 18, 1952**

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
0.46 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 **SE $\frac{1}{4}$ NE $\frac{1}{4}$** , as projected within **Moore DLC 44**,
Section 21, T. 12 S., R. 1 W., W. M.

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 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,

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:

18.0 acres Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
26.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
As projected within J. W. Moore DLC 44
Section 21
T. 12 S., R. 1 W., W. M.

An order of the State Engineer entered December 17, 1973, approves a change in
place of use for the irrigation of 19.6 acres. This certificate is issued to
confirm the remaining right and supersedes the certificate heretofore issued to
Wm. and Hester McPherson and recorded at page 26420, State Record of Water Right
Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **May 24, 1974**

Chris L. Wheeler.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume **32**, page **40392**

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STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WM. and HESTER McPHERSON

of Route 3, Box 638, Lebanon, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Hamilton Creek a tributary of South Santiam River for the purpose of irrigation of ~~64.0~~ ^{44.4} acres,

under Permit No. 21049 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 January 18, 1952,

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 ~~0.67~~ ^{0.46} 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Moore DLC #44, Section 21, Township 12 South, Range 1 West, W.M.

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 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,

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:

18.0 acres Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
²⁶⁴ ~~29.0~~ acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within J. W. Moore DLC #44
~~17.0~~ acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within J. W. Moore DLC #44
 Section 21
 Township 12 South, Range 1 West, W.M.

An order of the State Engineer entered Dec 17 1973, approves a change in Place of use for the irrigation of 19.6 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to Wm. and Hester McPherson and recorded at page 26420, State Record of Water Right Certificates.

.....LEWIS A. STANLEY.....
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 18, page 26420

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION
OF HAROLD E. WALLER FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF WATER
FROM HAMILTON CREEK

ORDER APPROVING
TRANSFER NO. 2846

On July 3, 1973, Harold E. Waller filed an application in the office of the State Engineer for the approval of a change in place of use of water from Hamilton Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to William and Hester McPherson and recorded at page 26420, Volume 18, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.67 cubic foot per second of water from Hamilton Creek for the irrigation of, among other lands, 2.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 17.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 12 South, Range 1 West, W.M., with a date of priority of January 18, 1952. These lands are irrigated from a point of diversion located 1350 feet North and 275 feet East from the Southwest corner of Moore DLC #44, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 12 South, Range 1 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 9.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 9.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 12 South, Range 1 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. Gene Mc Ginnis, Watermaster of District No. 2, 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 17.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 12 South, Range 1 West, W.M., with a date of priority of January 18, 1952, be severed therefrom and simultaneously and without loss of priority transferred to 9.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 9.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 12 South, Range 1 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to William and Hester McPherson and recorded at page 26420, Volume 18, 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 application of water to beneficial use, a certificate of water right shall be issued to Harold E. Waller confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 17th day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer