

2012

STATUS OF APPLICATION

Change in POINT OF DIVERSION
 Date filed 12-3-73
 Date of hearing Eugene
 Place of hearing 7-16-74
 Date of order 7-25-74 Vol. 25, page 49
 Date for application of water 10-1-75
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

Survey

DESCRIPTION OF WATER RIGHT

Name of stream UN NAMED
 Trib. of _____ County of LANE
 Use DOMESTIC & OPERATION OF RAM
 Quantity of water 0.10 cfs No. of acres _____
 Name of ditch _____
 Date of priority APRIL 23, 1929
 In name of V.P. SIMPSON
 _____ Adjudication, Vol. _____, page _____
 App. No. 12685 Per. No. 9008 Cert. No. 8742
 Certificate cancelled _____
 Notation made on record by _____

REMARKS

At time of proof use of Q for ram to be deleted if gravity system installed.

"CLOSED"

see Simpson letter 11-8-77

FEES PAID

Date	Amount	Receipt No.
12-3-73	15.00	37616
4-30-74	15.00	39796
4-30-74	55.00 P.O.N.	39797
TOTAL . . .	150	
4-30-74	Cert. Fee	39798

FEES REFUNDED

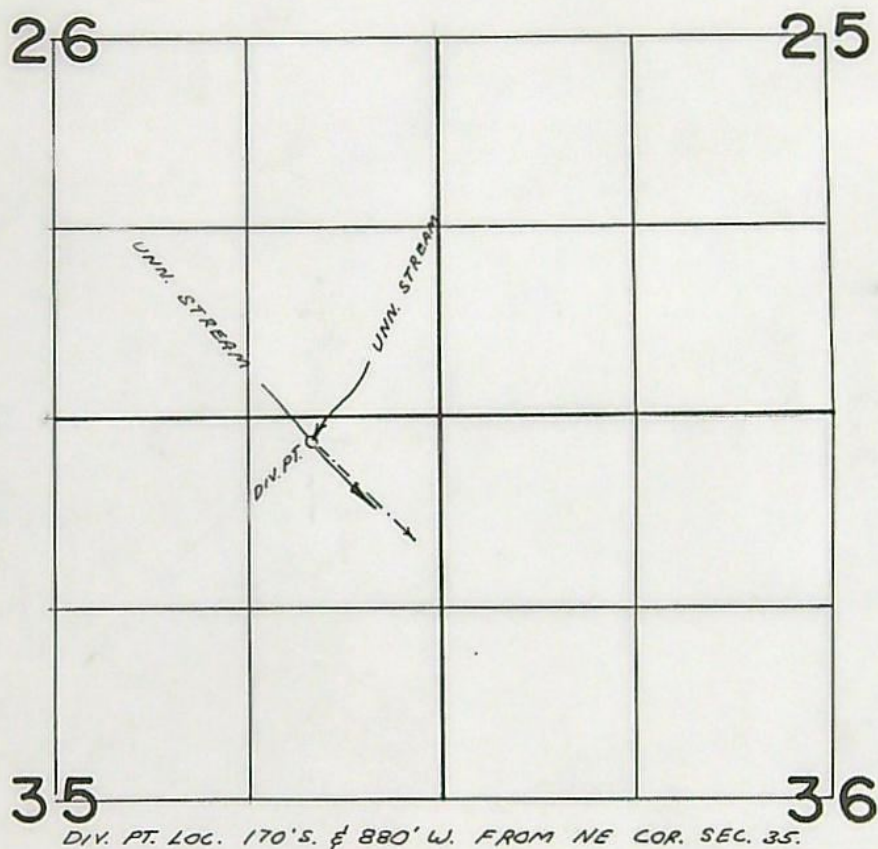
Date	Amount	Check No.
7-18-74	\$27.27	5896

INDEX CARDS: Entered Checked

✓	Name	WH	
✓	Stream	WH	
✓	Pt. of Div.	WH	
✓	Calendar	WH	
✓	Twp. & Rge.	WH	
	Deed-vault		
	Deed-safe		
✓	Cert. of W/R	WH	
✓	Per. Folder	WH	
	Chaindex		
	Cross Ref.		
	Power Claim		
	Abstracts		

448

T.15S. R.6W. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2942
Application No. Permit No.
IN NAME OF

HERMAN CONRAD HILDEBRAND

Surveyed MAY...6... 1976., by L.H. NUNN.....

BEFORE THE STATE ENGINEER OF OREGON

Lane County

IN THE MATTER OF THE APPLICATION
OF HERMAN CONRAD HILDEBRAND FOR
THE APPROVAL OF A CHANGE IN POINT
OF DIVERSION OF WATER FROM UNNAMED
TRIBUTARY OF NORTH FORK BEAR CREEK

ORDER APPROVING
TRANSFER NO. 2942

On December 3, 1973, Herman Conrad Hildebrand filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from an unnamed tributary of North Fork Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to U. P. Simpson and recorded at page 8742, Volume 8, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.1 cubic foot per second of water from an unnamed tributary of North Fork Bear Creek for operation of a ram and domestic use, with a date of priority of April 23, 1929. Water for these purposes is diverted from a point located 2496 feet South and 288 feet East from the Northwest corner of Section 36, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 15 South, Range 6 West, W.M.

The applicant herein, owner of the land above described, proposes to change the point of diversion to 100 feet South and 1047 feet West from the Northeast corner of Section 35, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township 15 South, Range 6 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 Eugene, Oregon on July 16, 1974 at 9:30 a.m. The notice was published in Junction City Times, a newspaper printed and having general circulation in Lane County, Oregon, for a period of three weeks in the issues of May 23, 30 and June 6, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Gene McGinnis, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from unnamed tributary of North Fork Bear Creek, to wit:

From a point located 2496 feet South and 288 feet East from the Northwest corner of Section 36, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 15 South, Range 6 West, W.M.

To a point to be located 100 feet South and 1047 feet West from the Northeast corner of Section 35, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township 15 South, Range 6 West, W.M.

for operation of a ram and domestic use, with a date of priority of April 23, 1929, 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, 1975.

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 0.1 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates 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.

It is FURTHER ORDERED that certificate of water right heretofore issued to U. P. Simpson and recorded at page 8742, Volume 8, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Herman Conrad Hildebrand confirming the change in point of diversion.

Dated at Salem, Oregon, this 25th day of July, 1974.

/s/ CHRIS L. WHEELER
State Engineer

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

Notice is given hereby that Herman Conrad Hildebrand has filed an application for the approval of a change in point of diversion of water from an unnamed stream.

Certificate of water right issued to U.P. Simpson and recorded at page 8742, Volume 8, State Record of Water Right Certificates, confirms a right to the use of 0.1 cubic foot per second of water from an unnamed stream for operation of a ram and domestic use within the SW 1/4 NW 1/4, Sec. 36, T. 15 S.,

R. 6 W., W.M., with a priority date of April 23, 1929. Water for this use is diverted from a point located 2496 ft. S. and 288 ft. E. from the NW corner of Sec. 36, being within the SW 1/4 NW 1/4, Sec. 36, T. 15 S., R. 6 W., W.M.

The applicant herein, owner of the land above described, proposes to change the point of diversion to 100 ft. S. and 1047 ft. W. from the NE corner of Sec. 35, being within the NE 1/4 NE 1/4, Sec. 35, T. 15 S., R. 6 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Eugene, Oregon on July 16, 1974, 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 Herman Conrad Hildebrand, Junction City, Oregon 97448, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5.00 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.

Dated at Salem, Oregon, this 15th day of May, 1974.

CHRIS L. WHEELER
State Engineer

33-35c

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
COUNTY OF LANE } ss.

JUL 17 1974

STATE ENGINEER
SALEM, OREGON

I, C L McKinley being first duly sworn, depose and say that I am the publisher of the Junction City TIMES, a newspaper of general circulation, printed and published at Junction City in the aforesaid county and state, as defined by Oregon laws, and that the

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

a printed copy of which is hereto attached, was published in the entire issue of said newspaper for a period of 3 successive and consecutive weeks in the following issues: May 23, 30; June 6, 1974

Signed C L McKinley

Subscribed and sworn to before me this 16th day

of July 19 74

[Signature]
Notary Public for Oregon

My Commission Expires 9/14 19 74