

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION)
OF PAUL S. MONTECUCCO FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM MOLALLA)
RIVER)

ORDER APPROVING
TRANSFER NO. 2521

On May 7, 1971, Paul S. Montecucco filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Molalla River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to G. E. Gilmore, Jr. and recorded at page 22527, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.28 cubic feet per second of water from Molalla River for the irrigation of, among other lands, 15.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.24 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 3 South, Range 1 East, W.M., with a date of priority of April 16, 1952. These lands are irrigated from a point of diversion located 1190 feet south and 530 feet west from the NW corner of Section 29 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 3 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1850 feet south and 3090 feet west from the NE corner of Section 29 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 3 South, Range 1 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there

are no intervening diversions.

Mr. Clayton J. Gardner, Watermaster of District No. 1, 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 Molalla River, to-wit:

From a point located 1190 feet south and 530 feet west from the NW¹/₄ corner of Section 29 being within the NE¹/₄ NW¹/₄ of Section 29, Township 3 South, Range 1 East, W.M.

To a point to be located 1850 feet south and 3090 feet west from the NE corner of Section 29 being within the SE¹/₄ NW¹/₄ of Section 29, Township 3 South, Range 1 East, W.M.

for the irrigation of 15.2 acres in NE¹/₄ NE¹/₄, 3.5 acres in NW¹/₄ NE¹/₄ and 5.24 acres in SE¹/₄ NE¹/₄, Section 29, Township 3 South, Range 1 East, W.M., with a date of priority of April 16, 1952, is approved.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed, and the new diversion is in operation.

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 0.29 cubic foot per second.

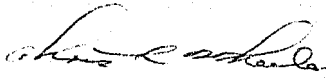
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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.

It is FURTHER ORDERED that certificate of water right heretofore issued to G. E. Gilmore, Jr. and recorded at page 22527, Volume 16, 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 completion of the authorized change in point of diversion, a certificate of water right shall be issued to Paul S. Montecucco confirming the change in point of diversion.

Dated at Salem, Oregon, this 22nd day of June, 1971.


CHRIS L. WHEELER
State Engineer