

## Polk County

IN THE MATTER OF THE APPLICATION )  
 OF PAUL S. WHITLATCH FOR THE )  
 APPROVAL OF A CHANGE IN POINT OF )  
 DIVERSION OF WATER FROM WILLAMETTE )  
 RIVER )  
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ORDER APPROVING  
TRANSFER NO. W-141

On January 31, 1969, Paul S. Whitlatch filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to H. C. Wilcox and recorded at page 31728, Volume 23, State Record of Water Right Certificates confirms a right to the use of 0.41 cubic foot per second of the waters of Willamette River for the irrigation of 9.0 acres in Lot 8 (NW¼ NE¼), 27.0 acres in Lot 8 (NE¼ NW¼) and 2.5 acres in Lot 7 (SE¼ NW¼), Section 16, Township 6 South, Range 3 West, W.M., with a date of priority of June 29, 1956.

On August 12, 1964, the State Engineer entered an order approving an application in the name of Whitlatch-Stuart and Sons, Incorporated for a change in place of use of water for the irrigation of 36.5 acres with a date of priority of June 29, 1956. Proof satisfactory to the State Engineer of application of water to beneficial use for the irrigation of 5.7 acres in Lot 8 (NW¼ NE¼), 0.2 acre in Lot 7 (SW¼ NE¼), 6.0 acres in Lot 8 (NE¼ NW¼), 2.1 acres in NW¼ NW¼, 0.1 acre in SW¼ NW¼ and 11.8 acres in Lot 7 (SE¼ NW¼), Section 16, Township 6 South, Range 3 West, W.M. has been received.

These lands are irrigated from a point of diversion located S 60° 31' W 2526.1 feet from the NE corner of Section 16 being within Lot 8 (NW¼ NE¼) of Section 16, Township 6 South, Range 3 West, W.M.

The applicant herein, contract purchaser of the lands above described, proposes to irrigate these lands from a point of diversion to be located 2060 feet north and 7150 feet west from the NE corner of Dorrrough DLC 64 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 9, Township 6 South, Range 3 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 Dallas, Oregon, on April 23, 1969, at 9:30 a.m. The notice was published in the Polk County Itemizer-Observer, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of February 27, March 6 and 13, 1969. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 Willamette River, to-wit:

From a point located S 60° 31' W 2526.1 feet from the NE corner of Section 16 being within Lot 8 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 16, Township 6 South, Range 3 West, W.M.

To a point to be located 2060 feet north and 7150 feet west from the NE corner of Dorrrough DLC 64 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 9, Township 6 South, Range 3 West, W.M.

for the irrigation of 14.7 acres in Lot 8 (NW¼ NE¼), 0.2 acre in Lot 7 (SW¼ NE¼), 33.0 acres in Lot 8 (NE¼ NW¼), 2.1 acres in NW¼ NW¼, 0.1 acre in SW¼ NW¼ and 14.3 acres in Lot 7 (SE¼ NW¼), Section 16, Township 6 South, Range 3 West, W.M., with a date of priority of June 29, 1956, is approved.

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 0.68 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.

Proof satisfactory to the State Engineer of completion of the proposed change in point of diversion has been received; therefore, no time limit for completion of the change is required.

It is FURTHER ORDERED that certificate of water right heretofore issued to H. C. Wilcox and recorded at page 31728, Volume 23, State Record of Water Right Certificates is canceled and a certificate of water right shall be issued to Paul S. Whitlatch confirming said change in point of diversion and confirming the right to the extent to which water has been applied beneficially as provided in the order of the State Engineer entered August 12, 1964.

Dated at Salem, Oregon, this 20<sup>th</sup> day of June, 1969.

