

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION
OF GERALD WHITAKER FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION OF
WATER FROM MOLALLA RIVER

ORDER APPROVING
TRANSFER NO. 2891

On August 24, 1973, Gerald Whitaker 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 Gerald Whitaker and recorded at Page 20659, Volume 15, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.11 cubic foot per second of water from Molalla River for the irrigation of 8.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 5 South, Range 2 East, W.M., with a date of priority of April 18, 1949.

Certificate of water right issued to Gerald and Caroline E. Whitaker and recorded at Page 24639, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.17 cubic foot per second of water from Molalla River for the irrigation of 13.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, and 0.8 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 5 South, Range 2 East, W.M., with a date of priority of August 14, 1950.

Certificate of water right issued to Gerald Whitaker and recorded at Page 24784, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.12 cubic foot per second of water from Molalla River for the irrigation of 12.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 5 South, Range 2 East, W.M., with a date of priority of June 3, 1955.

All of the above described lands are irrigated from a point of diversion located 600 feet South and 900 feet East from the West quarter-corner of Section 2, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 5 South, Range 2 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 500 feet South and 900 feet East from the West quarter-corner of Section 2, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 5 South, Range 2 East, W.M.

Mr. E. Michael Ricks, Watermaster of District No. 16, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 requested change in point of diversion from Molalla River as described herein, without loss of priority, 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 under the rights involved herein.

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:

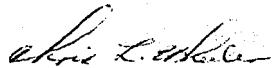
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Gerald Whitaker and Caroline E. Whitaker and recorded at Page 20659, Volume 15, and Pages 24639 and 24784, Volume 17, State Record of Water Right Certificates, are canceled, and upon proof satisfactory to the State Engineer of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to Gerald Whitaker.

Dated at Salem, Oregon, this 14th day of December, 1973.



CHRIS L. WHEELER ^{DEC}
State Engineer