

2891 Gerald Whitaker
P.O. Box 410, H. 2
Molalla, Ore.

2891

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed August 24, 1973
 Date of hearing _____
 Place of hearing _____
 ✓ Date of order 12-14-73 Vol. 23, page 444
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued OCT 28 1980 Vol. 43, page 49649
2-4-74 Wes 49650
49651

DESCRIPTION OF WATER RIGHT

Name of stream Molalla River
 Trib. of _____ County of Clackamas
 Use Irrigation
 Quantity of water _____ No. of acres 8 1/2
 Name of ditch _____
 Date of priority April 18, 1949
 In name of Gerald Whitaker
 _____ Adjudication, Vol. _____, page _____
 App. No. 23711 Per. No. 18724 Cert. No. 20659
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-24-73</u>	<u>30.00</u>	<u>36317</u>
TOTAL . . .	<u>1.50</u> Cert. Fee	<u>36318</u>

FEES REFUNDED

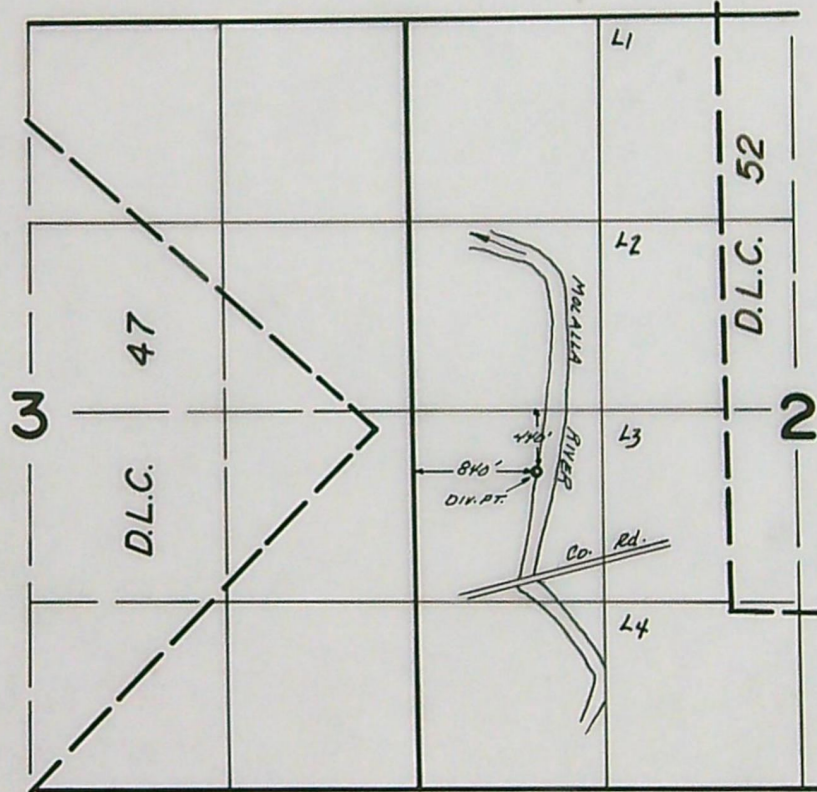
Date	Amount	Check No.

REMARKS

INDEX CARDS:

	Entered	Checked
✓ Name	<u>lg</u>	_____
✓ Stream	<u>lg</u>	_____
✓ Pt. of Div.	_____	_____
✓ Calendar	_____	_____
CHECKED TO RECORDS:		
○ Two. & Rec.	_____	_____
_____ Decree-vault	_____	_____
_____ DeemSAFE	_____	_____
✓ Cert. of W/R	<u>lg</u>	<u>lg</u>
✓ Per. Folio	<u>lg</u>	_____
_____ Change	_____	_____
_____ Cert. Ref.	_____	_____
_____ Per. Folio	_____	_____
✓ Abstracts	<u>lg</u>	_____

T. 5S. R. 2E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER No. 2891
Application No. Permit No.
IN NAME OF

..... **GERALD WHITAKER**

Surveyed .MAY. 3. 1978., by .J.S. Donaldson..

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That *Caroline E*
GERALD, WHITAKER

of Route 2, Box 410, Molalla, State of Oregon 97038, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Molalla River a tributary of Willamette River for the purpose of irrigation of 8.8 acres under Permit No. 18724 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 April 18, 1949

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 0.11 cubic foot per second, if available at the original point of diversion;
NWSW Sec 2 T5S R2E WM, 600'S & 900'E from W 1/4 Cor Sec 2

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the *NW 1/4 SW 1/4*, Section 2, Township 5 South, Range 2 East, W. M., *440'S & 840'E from W 1/4 Cor Sec 2*

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 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:

8.8 acres in *NW 1/4 SW 1/4*
Section 2

Township 5 South, Range 2 East, W. M.

Land on which water is to be used is a part of that more explicitly described by ~~appropriator~~ as follows:

Part of the Northwest Quarter of the Southwest quarter of Section 2, T. 5 S., R. 2 E., of W.M., described as: Beginning at a point on the quarter section line running east and west thru said Section 2, a distance of 30 rods east of the quarter section corner on the west line of said Sec. 2, thence east along said quarter section line to the center of the Molalla River; thence following the meanders of said river up stream till it intersects the south line of the northwest quarter of the southwest quarter of said Section 2; thence west along 1/16 section line to a point 26 rods east of the southwest corner of the northwest quarter of the Southwest quarter of said section 2; thence North in a straight line 80 rods, more or less, to the place of beginning, containing 16.00 acres, more or less, excepting those tracts conveyed to Clackamas County in Book 196 of deeds at page 560 and book 203 of deeds at page 378.

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

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered 12-14-73 and supersedes certificate of water right recorded at page 20659 Vol. 15 SRWRC.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

C-49650

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ^{§ Caroline E} GERALD WHITAKER

of Route 2, Box 410, Molalla, State of Oregon 97038, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Molalla River

a tributary of Willamette River for the purpose of irrigation of 12.0 acres under Permit No. 23645 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 June 3, 1955,

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 0.12 cubic foot per second, if available at the original point of diversion;

NW SW Sec 2 T5S R2E W.M., 600'S & 900'E from W 1/4 cor Sec 2

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the ~~NE~~ NW 1/4 SW 1/4, Section 2, Township 5 South, Range 2 East, W.M., 440'S & 840'E from W 1/4 cor Sec 2

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 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:

12.0 acres NW 1/4 SW 1/4
Section 2
Township 5 South, Range 2 East, W.M.

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

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered 12-14-73 and supersedes certificate of water right recorded at page 24784 Vol. 17 SRWRC.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

State Record of Water Right Certificates, Volume 17, page 24784

C-49649

202

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GERALD and CAROLINE E. WHITAKER

of Route 2, Box 410, Molalla, State of Oregon 97038, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Molalla River

a tributary of Willamette River for the purpose of irrigation of 14.0 acres

under Permit No. 19775 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 August 14, 1950,

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 0.17 cubic foot per second, if available at the original point of diversion;
NWSW Sec 2 T5S R2E WM, 600'S & 900'E from W 1/4 cor Sec 2

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SW 1/4, Section 2, Township 5 South, Range 2 East, W.M., *440'S & 840'E from W 1/4 cor Sec 2*

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 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:

13.2 acres SW 1/4 NW 1/4
 Section 2
 0.8 acres SE 1/4 NE 1/4
 Section 3
 Township 5 South, Range 2 East, W.M.

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

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered 12-14-73 and supersedes certificate of water right recorded at page 24639 Vol. 17 SRWRC.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

C-49651

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.

/s/ CHRIS L. WHEELER
State Engineer