

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION
OF ROBERT W. AND THERESA A. MAY }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION AND PLACE OF }
USE OF WATER FROM BEAR CREEK }

ORDER APPROVING
TRANSFER NO. 3302

On August 25, 1975, Robert W. and Theresa A. May filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and place of use of water from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to J. T. Thompson and recorded at Page 20510, Volume 15, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.19 cubic foot per second of water from Bear Creek for the irrigation of 15.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 4 South, Range 1 East, W.M., with a date of priority of September 12, 1949. These lands are irrigated from a point of diversion located 2200 feet North and 50 feet West from the Southeast corner of Section 30, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 4 South, Range 1 East, W.M.

The applicant herein, contract purchaser of the lands described, proposes to change the place of use to 11.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 4 South, Range 1 East, W.M., and to irrigate these lands from a point of diversion to be located 33 chains North and 20 chains West from the Southeast corner of Section 30, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 4 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.

M. T. Thompson, contract seller of the lands described, has submitted written approval of the change in place of use and point of diversion.

Mr. Keith Palmer, Watermaster of District No. 16, has filed a report to the effect that the proposed change in point of diversion and place of use 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 and place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 15.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 4 South, Range 1 East, W.M., with a date of priority of September 12, 1949, be severed therefrom and simultaneously and without loss of priority transferred to 11.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 4 South, Range 1 East, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Bear Creek, to wit:

From a point located 2200 feet North and 50 feet West from the Southeast corner of Section 30, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 4 South, Range 1 East, W.M.

To a point to be located 33 chains North and 20 chains West from the Southeast corner of Section 30, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 4 South, Range 1 East, W.M.

for the irrigation of 11.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 4 South, Range 1 East, W.M., with a date of priority of September 12, 1949, 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, 1976.

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 0.19 cubic foot per second.

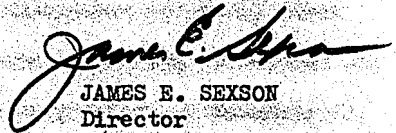
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 the certificate of water right heretofore issued to J. T. Thompson and recorded at Page 20510, Volume 15, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion and place of use, a certificate of water right shall be issued to Robert W. and Theresa A. May confirming the change in point of diversion and place of use.

Dated at Salem, Oregon, this 15th day of December, 1975.


JAMES E. SEXSON
Director