

Paul S. Montecucco  
Rt. 3, Box 411  
Canby, Ore. 97013

2521

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed May 7, 1971  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 6-22-71 Vol. 21, page 145  
Date for application of water completed  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued 1-29-71 Vol. 29, page 37650  
Sept 3, 1974 32 40849  
To Summary 6/30/71  
9974005

DESCRIPTION OF WATER RIGHT

Name of stream Molalla River  
Trib. of - County of Clackamas  
Use Irrigation  
Quantity of water 0.29 cfs No. of acres 23<sup>94</sup>  
Name of ditch -  
Date of priority April 16, 1952  
In name of G. E. Gilmore, Jr.  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 27090 Per. No. 21320 Cert. No. 22527  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>5-7-71</u>	<u>25.00</u>	<u>23536</u>
TOTAL . . .		
<u>7-26-71</u>	<u>\$2 Cert. Fee</u>	<u>24937</u>
<u>8-13-77</u>	<u>0.50</u>	<u>42466</u>

FEES REFUNDED

Date	Amount	Check No.

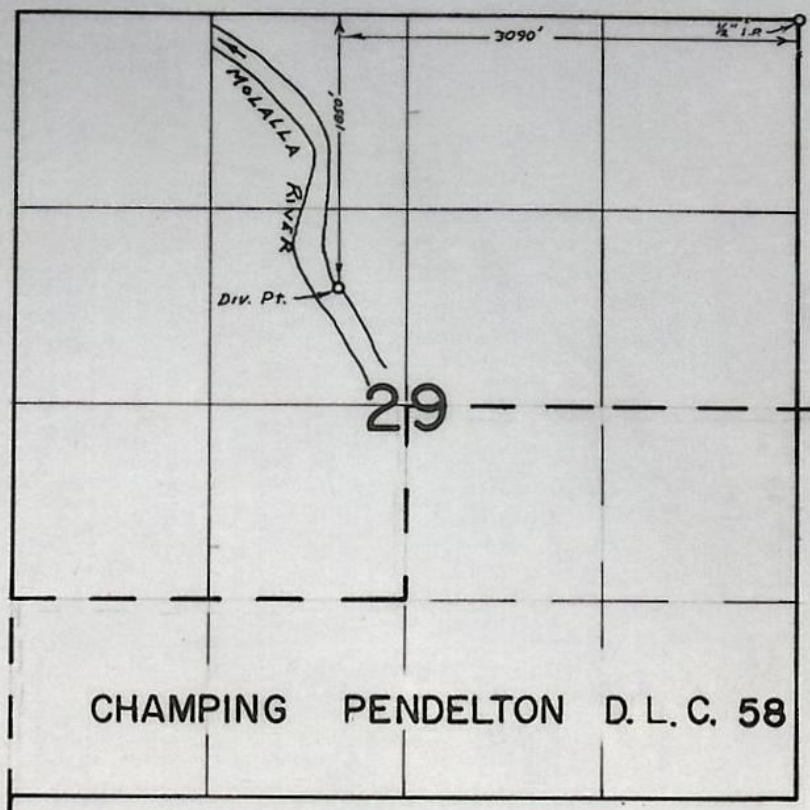
REMARKS

Note: use 0.30 cfs on confirming cert.

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<input checked="" type="checkbox"/>	Name	<u>slu</u>	<u>    </u>
	<input checked="" type="checkbox"/>	Stream	<u>slu</u>	<u>    </u>
	<input checked="" type="checkbox"/>	Pt. of Div.	<u>    </u>	<u>    </u>
	<input checked="" type="checkbox"/>	Calendar	<u>slu</u>	<u>    </u>
	CHECKED TO RECORDS:			
	<input checked="" type="checkbox"/>	Twp. & Rge.	<u>slu</u>	<u>    </u>
	<input checked="" type="checkbox"/>	Decree-vault	<u>    </u>	<u>    </u>
	<input checked="" type="checkbox"/>	Decree-safe	<u>    </u>	<u>    </u>
	<input checked="" type="checkbox"/>	Cert. of W/R	<u>slu</u>	<u>    </u>
	<input checked="" type="checkbox"/>	Per. Folder	<u>slu</u>	<u>    </u>
	<input checked="" type="checkbox"/>	Chainindex	<u>    </u>	<u>    </u>
	<input checked="" type="checkbox"/>	Cross Ref.	<u>    </u>	<u>    </u>
	<input checked="" type="checkbox"/>	Power Claim	<u>    </u>	<u>    </u>
<input checked="" type="checkbox"/>	Abstracts	<u>    </u>	<u>    </u>	



T. 3 S. R. 1 E. W. M.



**FINAL PROOF SURVEY**  
UNDER

TRANSFER No. 2521  
Application No. .... Permit No. ....  
IN NAME OF

..... **PAUL S. MONTECUCCO** .....

Surveyed SEPT. 12 1972, by R. L. MCKEN



D. T Paul

1972-M  
9-12-72  
R. S. M.

[illegible]



INFO: Paul Monteen

Div. Pt. was moved approx 500' upstream.

I surveyed the land on this map plus more, surrounding  
land in. from this Div. on appl. 40816

Monteen's sump pump starts out 600 G.P.M.

DIV. PT - Direct from a small hole etc.  
~~etc~~ & ~~channel~~ in Cr. bed. Have dug a channel  
from main flow of water & formed a kind of sump.

PUMP - BERKELEY D.O. CENTR 5" x 4"

MOTOR - CENTURY 50 H.P. @ 3450 R.P.M.

PIPE - Bored 8" main tapering to 6" & 4" @ ends.

Much P.V.C. & alum laterals.

HEADS - APPROX 100 MAX.

Have plenty of pipe & heads  
to in. all of this.

CROP - TURNIPS, CARROTS, ETC.

LIFT - SEE REPORT APPL. 40816

TIE - TIED TO LANE P.I.

SEE PHOTO DFK-8D-54

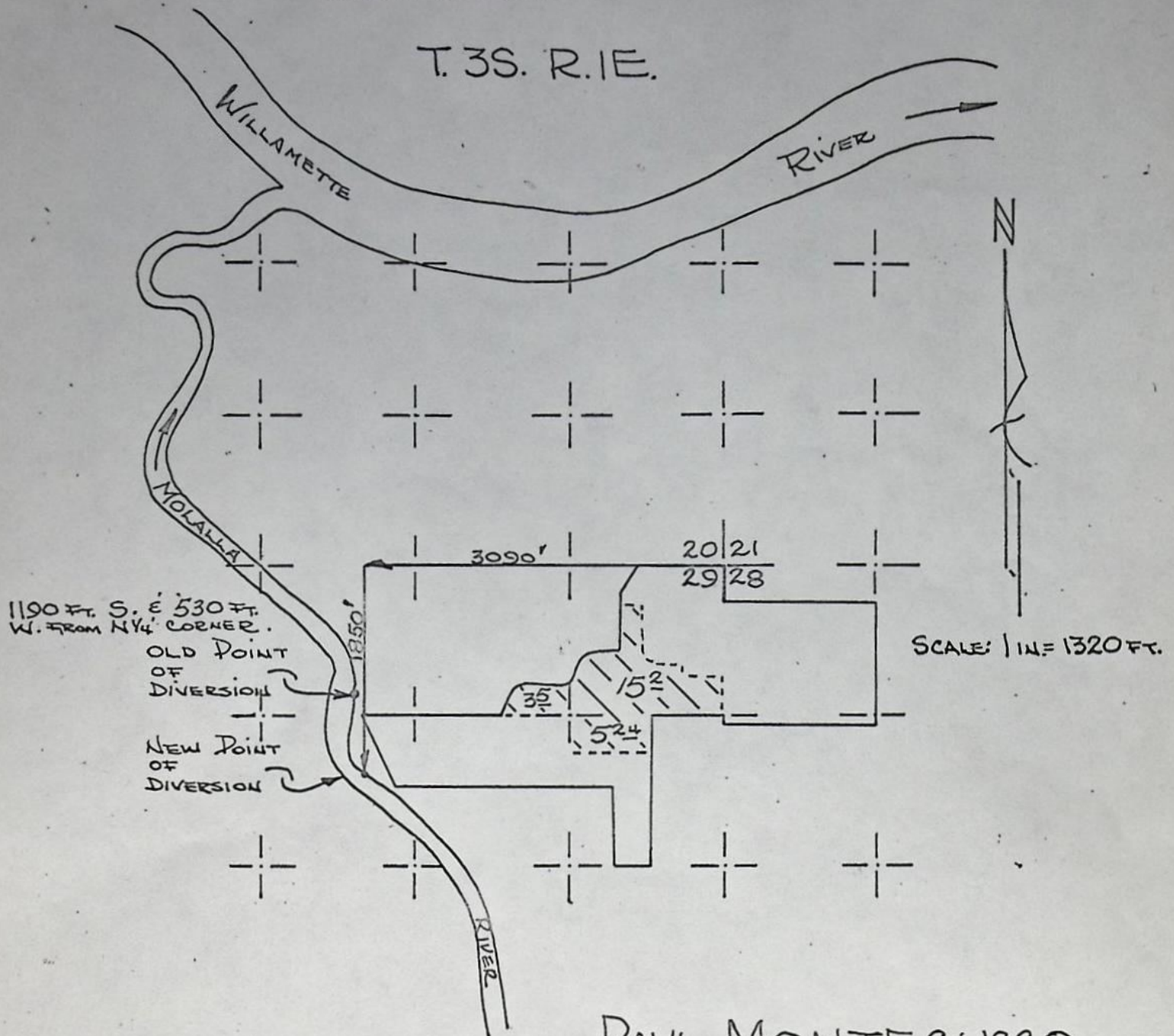
9-12-72

F.E.

R. S. Mucken

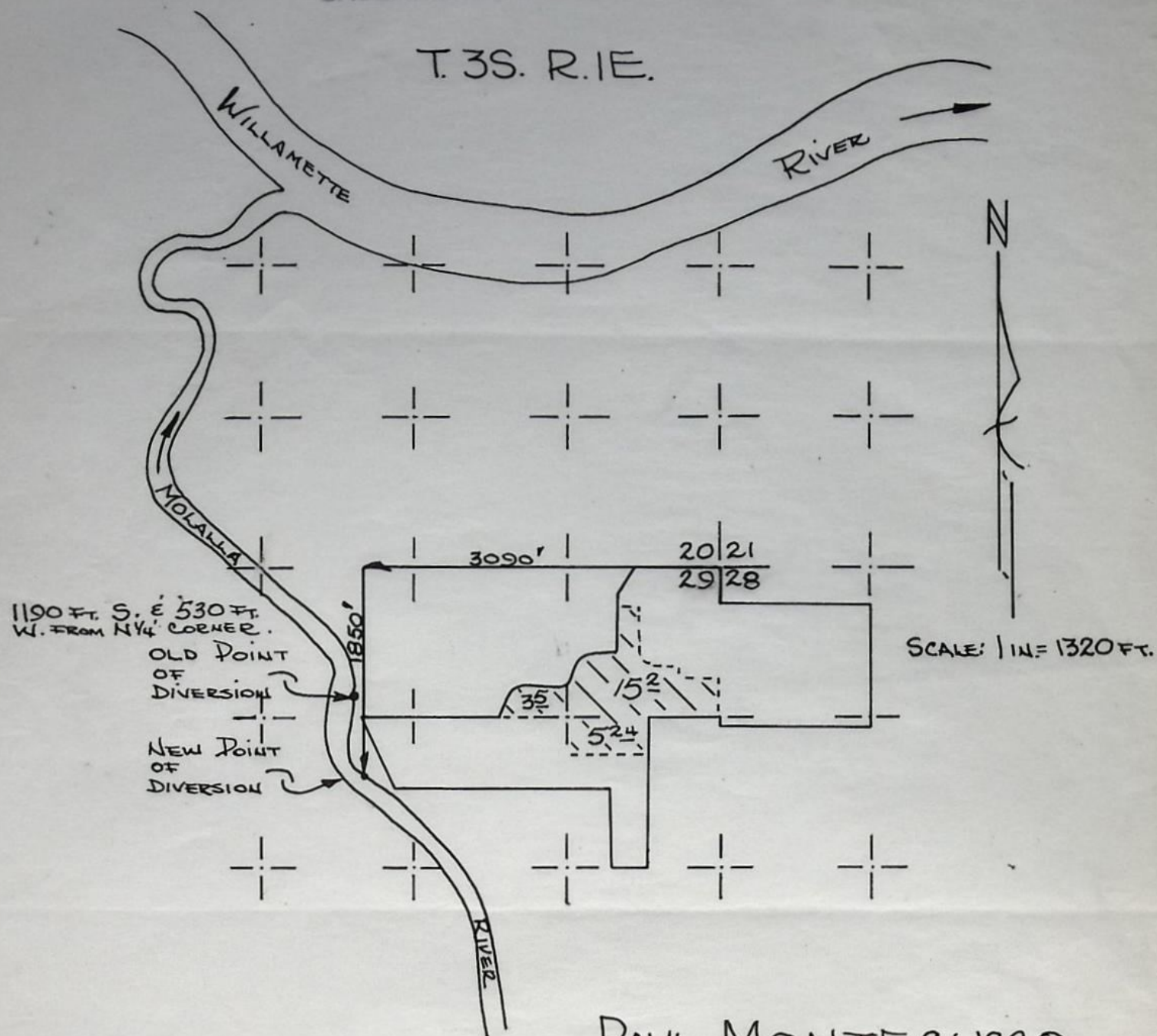
RECEIVED  
MAY 7 1971  
STATE ENGINEER  
SALEM, OREGON

T. 3S. R. 1E.





RECEIVED  
MAY 7 1971  
STATE ENGINEER  
SALEM, OREGON





## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, PAUL S. MONTECUCCO

(Name of applicant)

of Rt 3, Box 411, CANBY, County of CLACKAMAS

(Postoffice)

State of OREGON, do hereby make application for change IN POINT OF

DIVERSION

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is MOHALLA RIVER

(Name of stream)

2. The use to which the water is applied is IRRIGATION

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is PUMP

4. The point of diversion is located 1190 ft. S and 530 ft. W from the N<sup>1</sup>/<sub>4</sub>

(N. or S.)

(E. or W.)

corner of 29 being within the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>

(Section or subdivision)

of Section 29 Tp. 3S R. 1E W. M., in the County of CLACKAMAS

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>
3S	1E	29	15 <sup>2</sup>	3 <sup>5</sup>		5 <sup>24</sup>												

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? YES

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? YES

8. What is the date of priority of your water right? April 16, 1952

9. Was your water right acquired by State Engineer's Permit? YES If so, give number

(Yes or No)

of permit 21320



10. Do you hold a water right certificate? YES If so, give number of certificate 22527  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings  
(Yes or No)

12. Is the water right recorded in your name? G.E. GILMORE JR.  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 1850 ft. S. and 3090 ft. W. from the N.E.  
(N. or S.) (E. or W.)  
corner of Sec. 29 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29 Tp. 3S R. 1E W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of CLACKAMAS The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located?

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?   
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are THIS WILL PERMIT EASIER ACCESS TO  
THE SOURCE OF WATER AND CLOSER TO THE LAND TO BE  
IRRIGATED.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of CLACKAMAS

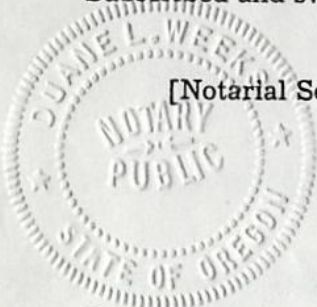
} ss.

I, Paul S. Montecucco, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 4 day of May, 1971.

Paul S. Montecucco  
(Name of applicant)

Subscribed and sworn to before me this 4<sup>th</sup> day of May, 1971.



[Notarial Seal]

Duane L. Weeks  
NOTARY PUBLIC FOR OREGON

My commission expires Dec. 18, 1971

Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



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 )  
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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 NW $\frac{1}{4}$  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.

To a point 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.

for the irrigation of 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, 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.

/s/ CHRIS L. WHEELER  
State Engineer