

3:00 PM  
28779 South Barlow Rd  
Canby, OR 97013

3302

STATUS OF APPLICATION

Change in point of diversion + place of use  
Date filed 5-25-75  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 12-15-75 Vol. 26, page 223  
Date for application of water 10-1-76 10-1-77  
Proof mailed AUG 19 1980  
Proof received \_\_\_\_\_  
Certificate issued OCT 28 1980 Vol. 43, page 49648

to survey 9/77

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek  
Trib. of Pudding River County of Clatsop  
Use irrigation  
Quantity of water 0.19 cfs No. of acres 150  
Name of ditch \_\_\_\_\_  
Date of priority September 12, 1949  
In name of J. T. Thompson  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 24105 Per. No. 19199 Cert. No. 20510  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEEES PAID

Date	Amount	Receipt No.
<u>8-25-75</u>	<u>45.00</u>	<u>49116</u>
TOTAL . . .		
	Cert. Fee	

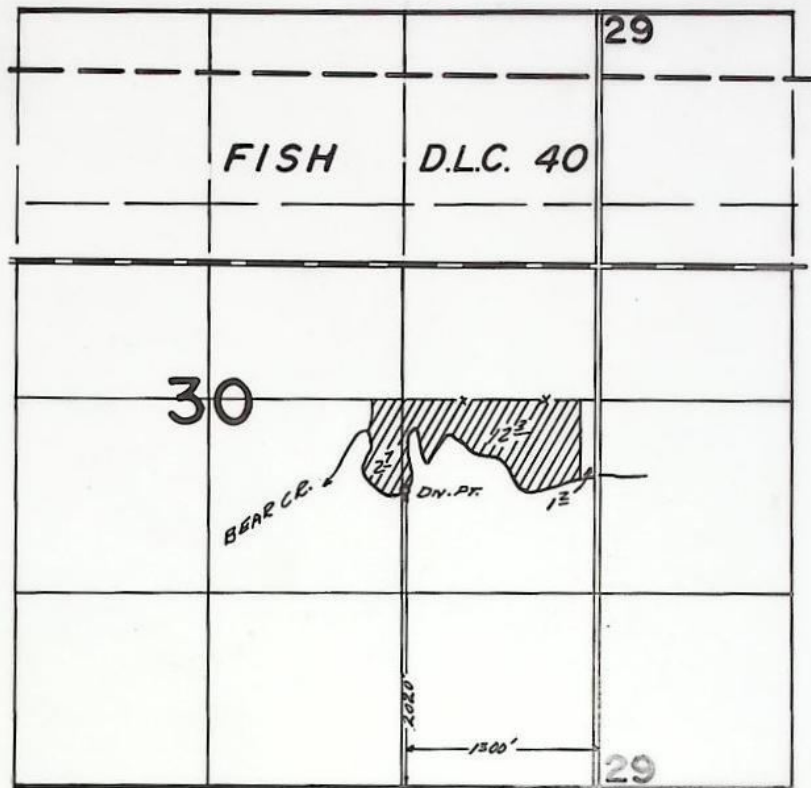
FEEES REFUNDED

Date	Amount	Check No.

REMARKS

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

T.4S.R.IE.W.M.



FINAL PROOF SURVEY  
UNDER

TRANSFER No. 3302  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

ROBERT W. & THERESA A. MAY

Surveyed MAY 4, 1978, by J.S. Donaldson



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 }  
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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.

/s/ JAMES E. SEXSON  
Director



RECEIVED

SEP 08 1980

Permit No. 19199

WATER RESOURCES DEPT  
SALEM, OREGON

Transfer No. 3302

County CLACKAMAS

PROOF OF APPROPRIATION OF WATER

1. Name ROBERT W. AND THERESA A. MAY 2. Address 28779 South Barlow Road  
Canby, OR 97012
3. Source of Supply Bear Creek  
Tributary of Pudding River
4. Amount of water 0.19 cubic foot per second\* 5. Priority date September 12, 1949
6. Use irrigation of 15.0 acres
7. Location of point of diversion NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, T. 4 S., R. 1 E., W.M.;  
2020 feet North and 1300 feet West from SE Corner, Section 30

8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

12.3 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
2.7 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 30  
T. 4 S., R. 1 E., W. M.

\*if available at the original point of diversion; NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, T. 4 S., R. 1 E., W.M.; 2200 feet North and 50 feet West from SE Corner, Section 30.

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of point of diversion and place of use approved by the order of the Water Resources Director entered December 15, 1975; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 5 day of Sept. 19 80.

Robert W. May, Theresa A. May  
Legal Owner of the above described lands

651 - 2784

Transfer No. 3302

County CLACKAMAS

1. Name Robert W. & Theresa A. May Address 28779 S. Barlow Rd, Canby, 97012
2. Source of Supply Bear Creek, Trib. of PUDDING RIVER
3. Amount of Water 0.19 cfs Priority Date 9-12-1949
4. Use irrigation
5. Proposed Point of Diversion <sup>2020'</sup>33-chains N & <sup>1300'</sup>20-chains W from SE cor of Sec 30, being w/1  
NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 30, T 4 S, R 1 E, W.M.

## 6. Place of Use

[illegible]

1000 -

Σ 11

37

p

1 bi. Nelson 250



Info: Robert May, showed us ~~new~~ <sup>new</sup> land irrigated ~~and~~  
from New Div. Pt.

Div. Direct from Bear Cr.

Pump & Motor: CENTURY 25 hp @ 3500  
MOORE + RANE CDD 4" x 3"

Pump @ 75% Eff.  
$$\frac{(6.6)(25)}{5 + 115} = 1.44/s$$

Pipe: 2530' 5" alum  
2370' 3" alum

Heads: 1 Nelson Gun 150 1.08" Nozzle @ 50 Psi  
165 gpm

Lift. + 5

Crop: Pasture

tie: DFK-2LL-148

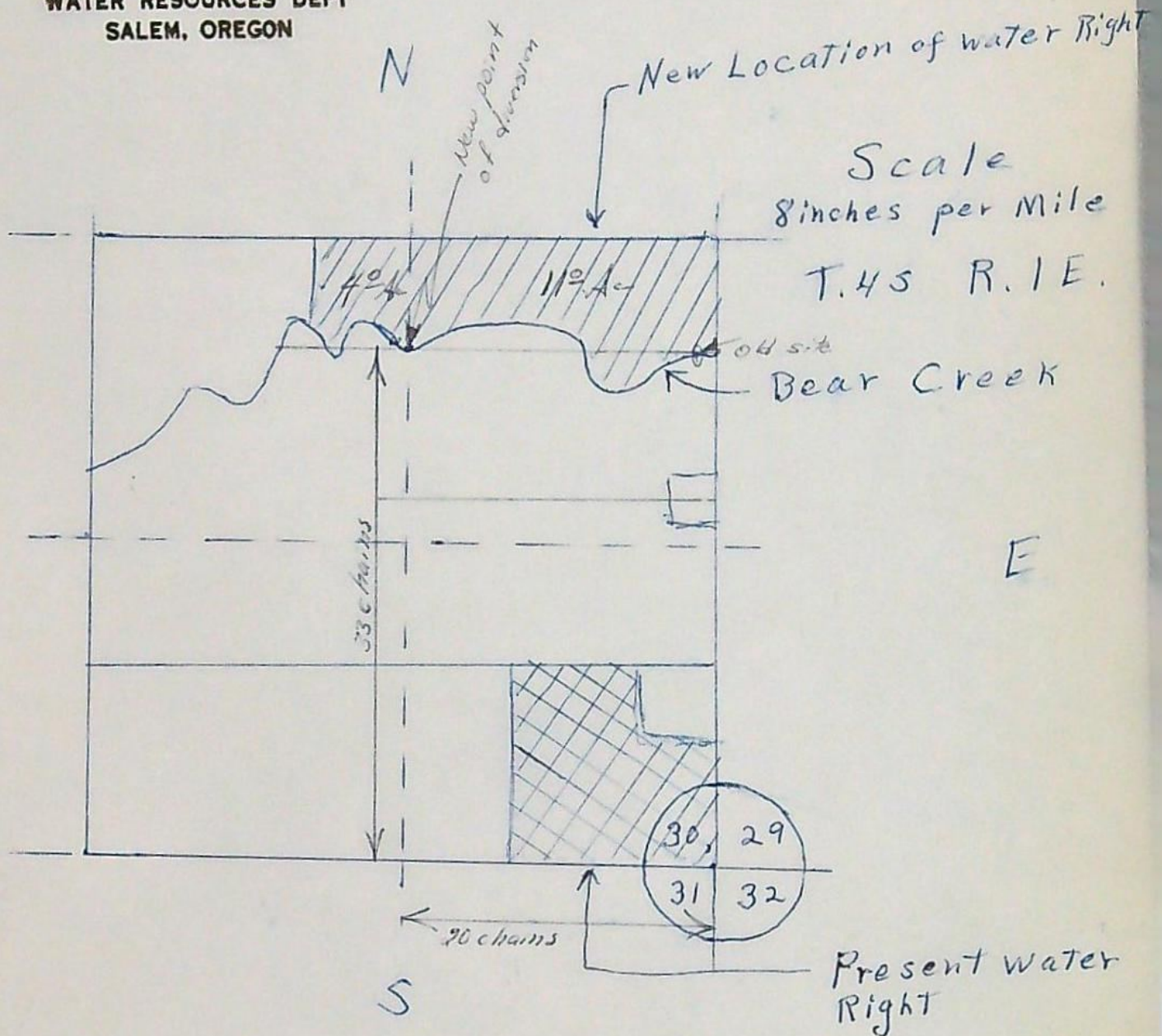
Steve Donaldson  
FE 5-~~4~~-78



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AUG 25 1975

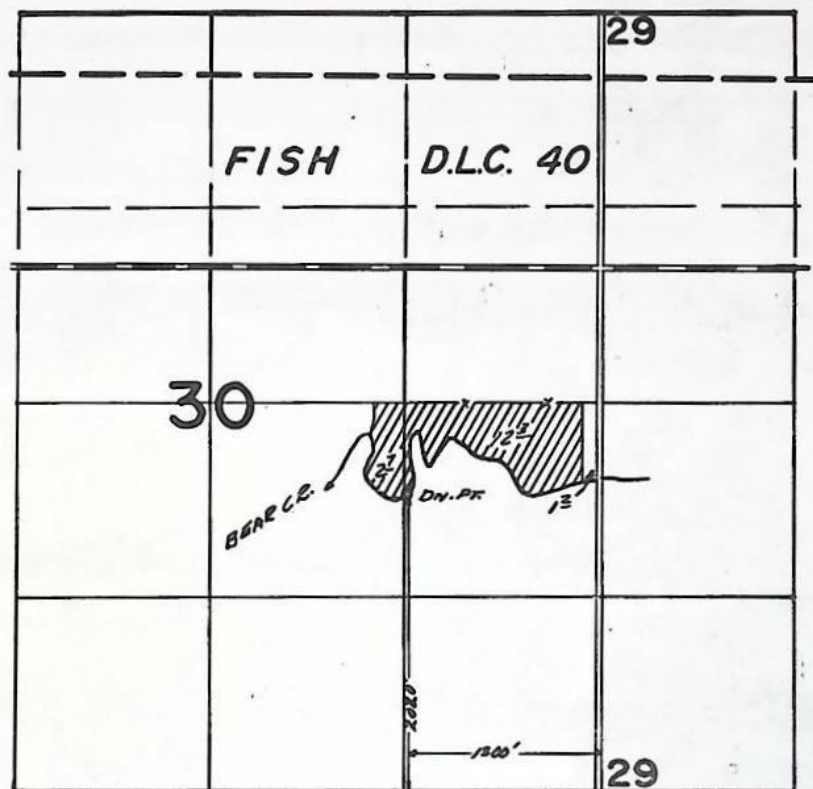
WATER RESOURCES DEPT  
SALEM, OREGON



T-3302



T.4S.R.IE.W.M.



**FINAL PROOF SURVEY**  
UNDER

TRANSFER No. 3302  
Application No. .... Permit No. ....  
IN NAME OF

...ROBERT W. & THERESA A. MAY...

Surveyed ..MAY...4. 1978., by J.S. Donaldson..



File No. 3302

APPLICATION FOR EXTENSION OF TIME

To the State Engineer of Oregon:

I, Robert W. May &  
of 28229 S. Butler Rd. Canby, Oregon 97013  
(Mailing Address) (City)

County of Clackamas, State of Oregon,

do hereby make application for an extension of time within which to complete

- ( ) a change in point of diversion  
(☒) a change in place of use  
( ) a change in the use theretofore made

under the terms of an order of the State Engineer dated 12-15-75,  
approving water right transfer application No. 3302 in the name, of Robert W.  
& Theresa A. May \* which time expires 10-1-76.

The following has been accomplished toward completion of the  
change within the time allowed: all Eminent domain to  
investigate all 15 acres

(If for irrigation, state total number of acres now irrigated under the change)

To fully complete the change, it will be necessary to accomplish  
the following: apply for water

(over)

\*If you are not the applicant named above, please explain your interest in  
this matter.

ok 10-1-77 ack notice of comp.



I am unable to complete the change under the terms of the order,  
within the time allowed, because \_\_\_\_\_

and request that the time for completion be extended to Oct 1, 1977.  
Lands were all irrigated during Fall of 1977.

AFFIDAVIT OF APPLICANT

STATE OF Oregon )  
County of Marion ) ss.

We Robert W. May & Theresa A. May, being first duly sworn,  
depose and say that We have read the above and foregoing application for  
extension of time; that We know the contents thereof, and the facts stated  
therein are true.

IN WITNESS WHEREOF, We have hereunto set <sup>our</sup> ~~my~~ hand this 29th day  
of September 1977.

Subscribed and sworn to before me this 29th day of September 1977.

James W. Carver Jr  
Notary Public for Oregon  
My commission expires 8-8-80

WHEN COMPLETED AND SIGNED, THIS APPLICATION AND PAYMENT OF THE STATUTORY  
FEE OF \$ 10.00 SHOULD BE SUBMITTED TO:

WATER RESOURCES DEPARTMENT  
1178 CHEMEKETA ST NE  
SALEM, OREGON 97310

\$10 pd 9/29/77  
Receipt 64169



**RECEIVED**

AUG 25 1975

WATER RESOURCES DEPT  
SALEM, OREGON**Application for Transfer of Water Right**

Water Resources Director

To the ~~STATE ENGINEER~~ OF OREGON:I, Robert W. May & Theresa A. May  
(Name of applicant)of 28779 S. Barlow Rd. Canby, County of Clackamas  
(Postoffice)State of Oregon, do hereby make application for change in point ofdiversion & place of use  
(In point of diversion; place of use; use heretofore made of the water)1. The source of present water right is Bear Creek  
(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 N/A4. The point of diversion is located 2200 ft. N and 50 ft. W from the SE  
(N. or S.) (E. or W.)corner of Section 30 T4S R1E being within the NE 1/4 SE 1/4  
(Section or subdivision)of Section 30 Tp. 4S 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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
<u>4S</u>	<u>1E</u>	<u>30</u>																<u>15<sup>e</sup></u>

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? contract purchaser  
(If not owner, explain your interest)Mr. J. T. Thompson is contract seller7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes8. What is the date of priority of your water right? Sept 12, 19499. Was your water right acquired by State Engineer's Permit? yes If so, give number  
(Yes or No)of permit 19199



10. Do you hold a water right certificate? yes If so, give number of certificate 20510  
(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 N/A  
(Yes or No)

12. Is the water right recorded in your name? No J. T. Thompson  
(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 $\frac{1}{4}$
45	1E	30													11 <sup>0</sup>	4 <sup>0</sup>		

(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 33 chains N and 20 chains W from the SE  
(N. or S.) (E. or W.)  
corner of Section 30 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 30 Tp. 45 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 N/A

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

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.? No  
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
<u>Contract</u>	<u>J. T. Thompson</u>	<u>\$43,000</u>

20. Reasons for the proposed changes are Place of use: wish to use water from well because of efficiency  
Point of diversion: more efficient

CLACKAMAS COUNTY  
WATER RESOURCES DEPT

VRUS21812

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AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Marion

} ss.

We I, Robert W. May & Theresa A. May, 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 25<sup>th</sup> day of August, 1975.

Robert W. May  
Theresa A. May  
(Name of applicant)

Subscribed and sworn to before me this 25<sup>th</sup> day of August, 1975.

[Notarial Seal]

Frederic B. B. B.  
NOTARY PUBLIC FOR OREGON

My commission expires Oct. 31, 1976

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.



NOTICE OF COMPLETE APPLICATION  
OF WATER TO BENEFICIAL USE

Transfer No. 3302

I, Robert W & Theresa A May hereby certify that  
on October 1, 1976, the water has been applied to the  
lands to which the water right was transferred by an order of the ~~State~~<sup>Water Resources Director</sup>  
~~Engineer~~ dated \_\_\_\_\_, approving an application for a  
change in place of use of water from \_\_\_\_\_.

Nov. 8, 1976  
Date

Robert W. May  
Theresa A. May  
Signature

RECEIVED

NOV 10 1976

WATER RESOURCES DEPT  
SALEM, OREGON

28779 S. Barlow Road, Canby 97013





STATE OF OREGON

INTEROFFICE MEMO

TO: Trevor Jones

DATE: November 26, 1975

FROM: Keith Palmer Watermaster Dist. 16

SUBJECT: Transfer No. 3302

I have completed my investigation of the transfer application by Mr. Robert W. May and Theresa A. May. It appears that this transfer can be made without injury to existing rights.

I also feel that provision two, as outlined in Chapter 3.23 of the watermaster manual should be incorporated into this order.