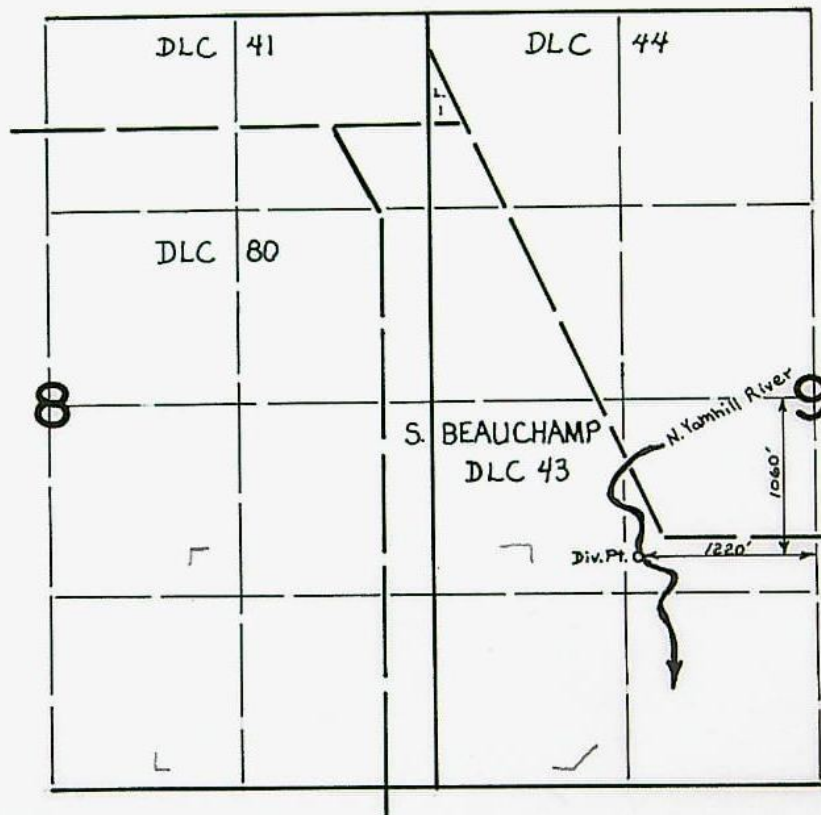




T.3S., R.4W., W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2992  
IN NAME OF

THELMA JOHNSON

Surveyed JUNE 4 1976, by L. H. NUNN

## STATE OF OREGON

COUNTY OF

YAMHILL

FILM 135 PAGE 1530

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

THELMA JOHNSON

of Rt. 1, Box 158, Yamhill, State of Oregon, 97148, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Yamhill River

a tributary of Yamhill River  
irrigation of 191.7 acres

for the purpose of

under Permit No. 34037 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 December 12, 1968

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 2.40 cubic feet per second

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 $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Beauchamp DLC 43, Section 9, T. 3 S., R. 4 W., W. M., 1060 feet South and 1220 feet West from the Center, Section 9

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 $\frac{1}{2}$  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:

SEE NEXT PAGE

200  
69246

STATE OF OREGON } ss  
County of YAMHILL }

I, Wanda Galt, County Clerk in and for said County and State, do hereby certify that the within document of record was recorded on the 21st day of Dec AD 1978 at 1:27 o'clock PM. Page 1530 of Film Vol. 135 of the County of Yamhill.

In testimony whereof, I have hereto subscribed my name and affixed my Official Seal.  
Wanda Galt, County Clerk

By

*Janet Saline*  
Deputy

10.8 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
 4.0 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
 13.6 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 35.0 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 8.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
 All as projected within McSween DLC 80  
 2.8 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
 As projected within Beauchamp DLC 43  
 10.4 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
 33.5 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
 26.2 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
 All as projected within McSween DLC 80  
 8.8 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
 As projected within Beauchamp DLC 43  
 Section 8

6.4 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
 31.6 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 0.6 acre SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 All as projected within Beauchamp DLC 43  
 Section 9  
 T. 3 S., R. 4 W., W. M.

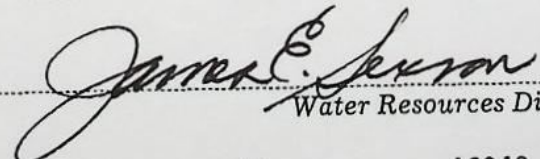
This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered on June 28, 1974, and supersedes certificate of water right recorded on Page 39110, Volume 31, State Record of Water Right Certificates.

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

*The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.*

WITNESS the signature of the Water Resources Director, affixed

this date. November 17, 1978

  
 Water Resources Director

Box

## STATE OF OREGON

COUNTY OF YAMHILL

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

THELMA JOHNSON

~~FIDEL BROS.~~

of Route 1, ~~Box 157~~<sup>Box 158</sup>, Yamhill, 97148, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Yamhill River

a tributary of Yamhill River  
irrigation of 191.7 acres ✓

for the purpose of

under Permit No. 34037 ✓ 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 December 12, 1968 ✓

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 2.40 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the ~~SW 1/4~~<sup>NE SW</sup> as projected within Beauchamp DLC 43, Section 9, T. 3 S., R. 4 W., W. M., ~~530 feet North and 630 feet East from NW corner, Section 9.~~ 1060' S. E 1220' W. FROM CENTER OF

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 2½ 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:

✓ 10.8 acres NE¼ SW¼	
✓ 4.0 acres NW¼ SW¼	
✓ 13.6 acres SW¼ SW¼	
✓ 35.0 acres SE¼ SW¼	
✓ 8.0 acres NE¼ SE¼	
All as projected within McSween DLC 8019	
✓ 2.8 acres NE¼ SE¼	
As projected within Beauchamp DLC 4318	
✓ 10.4 acres NW¼ SE¼	
✓ 33.5 acres SW¼ SE¼	
✓ 26.2 acres SE¼ SE¼	
All as projected within McSween DLC 8011	
	✓ 8.8 acres SE¼ SE¼
	As projected within Beauchamp DLC 4311
	Section 8
	✓ 6.4 acres NW¼ SW¼
	✓ 31.6 acres SW¼ SW¼
	✓ 0.6 acre SE¼ SW¼
	All as projected within Beauchamp DLC 4310
	Section 9
	T. 3 S., R. 4 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered JUNE 28, 1974 and supersedes certificate of water right recorded on Page 39110, Volume 31, SRWRC.

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

this date.

March 20, 1973CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39110

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION  
OF THELMA JOHNSON FOR THE APPROVAL  
OF A CHANGE IN POINT OF DIVERSION  
OF WATER FROM NORTH YAMHILL RIVER  
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ORDER APPROVING  
TRANSFER No. 2992

On March 6, 1974, Thelma Johnson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from North Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Fidel Bros. and recorded at page 39110, Volume 31, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.40 cubic feet per second of water from North Yamhill River for the irrigation of 10.8 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 35.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 10.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 10.4 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 33.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 35.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 8, 6.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 31.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 0.6 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 3 South, Range 4 West, W.M., with a date of priority of December 12, 1968. These lands are irrigated from a point of diversion located 530 feet North and 630 feet East from the W $\frac{1}{4}$  corner of Section 9, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 9, Township 3 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1430 feet South and 1670 feet East from the W $\frac{1}{4}$  corner of Section 9, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 3 South, Range 4 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on June 20, 1974, at 9:30 a.m.

The notice was published in the McMinnville News Register, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of April 27, May 4, 11, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

The Federal Land Bank, mortgage holder, has submitted written approval of the proposed change in point of diversion.

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 change in point of diversion of water from North Yamhill River, to wit:

From a point located 530 feet North and 630 feet East from the  $W\frac{1}{4}$  corner of Section 9, being within the  $SW\frac{1}{4} NW\frac{1}{4}$ , of Section 9, Township 3 South, Range 4 West, W.M.

To a point to be located 1430 feet South and 1670 feet East from the  $W\frac{1}{4}$  corner of Section 9, being within the  $SE\frac{1}{4} SW\frac{1}{4}$  of Section 9, Township 3 South, Range 4 West, W.M.

for the irrigation of 10.8 acres in  $NE\frac{1}{4} SW\frac{1}{4}$ , 4.0 acres in  $NW\frac{1}{4} SW\frac{1}{4}$ , 13.6 acres in  $SW\frac{1}{4} SW\frac{1}{4}$ , 35.0 acres in  $SE\frac{1}{4} SW\frac{1}{4}$ , 10.8 acres in  $NE\frac{1}{4} SE\frac{1}{4}$ , 10.4 acres in  $NW\frac{1}{4} SE\frac{1}{4}$ , 33.5 acres in  $SW\frac{1}{4} SE\frac{1}{4}$ , 35.0 acres in  $SE\frac{1}{4} SE\frac{1}{4}$ , Section 8, 6.4 acres in  $NW\frac{1}{4} SW\frac{1}{4}$ , 31.6 acres in  $SW\frac{1}{4} SW\frac{1}{4}$ , and 0.6 acre in  $SE\frac{1}{4} SW\frac{1}{4}$ , Section 9, Township 3 South, Range 4 West, W.M., with a date of priority of December 12, 1968, 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, 1975.

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 2.40 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 Fidel Bros. and recorded at Page 39110, Volume 31, State Record of Water Right Certificates, is canceled, 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 Thelma Johnson confirming the change in point of diversion.

Dated at Salem, Oregon, this 28th day of June, 1974.

CHRIS L. WHEELER  
State Engineer

"EXHIBIT A"

NOTICE OF FILING  
APPLICATION FOR A  
CHANGE IN POINT  
OF DIVERSION OF WATER

Notice is given hereby that Thelma Johnson has filed an application for the approval of a change in point of diversion of water from North Yamhill River.

Certificate of water right issued to Fidel Bros. and recorded at page 39110, Volume 31, State Record of Water Right Certificates, confirms a right to the use of 2.40 cubic feet per second from North Yamhill River for the irrigation of 10.8 acres in NE 1/4 SW 1/4, 4.0 acres in NW 1/4 SW 1/4, 13.6 acres in SW 1/4 SW 1/4, 35.0 acres in SE 1/4 SW 1/4, 10.8 acres in NE 1/4 SE 1/4, 10.4 acres in NW 1/4 SE 1/4, 33.5 acres in SE 1/4 SW 1/4, 35.0 acres in SE 1/4 SE 1/4, Sec. 8, and 6.4 acres in NW 1/4 SW 1/4, 31.6 acres in SW 1/4 SW 1/4, and 0.6 acre in SE 1/4 SW 1/4, Sec. 9, T. 3 S., R. 4 W., W.M., with a date of priority of December 12, 1968.

Water for this use is diverted from a point located 530 ft. N. and 630 ft. E. from the W 1/4 corner of Sec. 9, being within the SW 1/4 NW 1/4, Sec. 9, T. 3 S., R. 4 W., W.M.

The applicant herein, owner of the land above described, proposed to change the diversion point to 1430 ft. S. and 1670 ft. E. from the W 1/4 corner of Sec. 9,

being within the SE 1/4 SW 1/4, Sec. 9, T. 3 S., R. 4 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon on June 20, 1974 at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Thelma Johnson, Rt. 1, Box 158, Yamhill, Oregon 97148, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 22nd day of April, 1974

CHRIS L. WHEELER  
State Engineer

Date of first publication April 27, 1974  
Date of last publication May 11, 1974

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Yamhill

ss.

I, Homer Rohse, being first duly sworn, depose and say that I am the Advertising Manager of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020, published twice each week at McMinnville, County of Yamhill, State of Oregon, and that the notice of application for diversion of water, by Thelma Johnson, a printed copy of which is hereto annexed and marked Exhibit "A", was published in the entire issue of said newspaper for THREE successive and consecutive weeks in the following issues:  
4/27, 5/4, 5/11/74

Subscribed and sworn before me this 13th day of May, 1974.

RECEIVED

MAY 14 1974

STATE ENGINEER  
SALEM, OREGON

Edgar S. Brande  
Notary Public for Oregon.

My Commission Expires 7-22-75