

3290 Mrs. Walter Carrington  
Rents 2, Box 302  
Fossil, Shoshone Co. 97116

3290

STATUS OF APPLICATION

Change in place of use  
Date filed 8-7-75  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 6-4-76 Vol. 27, page 229  
Date for application of water 10-1-77  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued OCT 18 1976 Vol. 35, page 43797  
DEC 21 1978 40 Survey 11 47118

DESCRIPTION OF WATER RIGHT

Name of stream North Stream  
Trib. of \_\_\_\_\_ County of Washington  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 50  
Name of ditch \_\_\_\_\_  
Date of priority June 3, 1939  
In name of Julius Winterfield  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 18154 Per. No. 13797 Cert. No. 20227  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>8-7-75</u>	<u>30.00</u>	<u>48824</u>
TOTAL . . .	<u>4.00</u>	<u>FROM</u>
<u>5-28-76</u>	Cert. Fee	<u>42367</u>

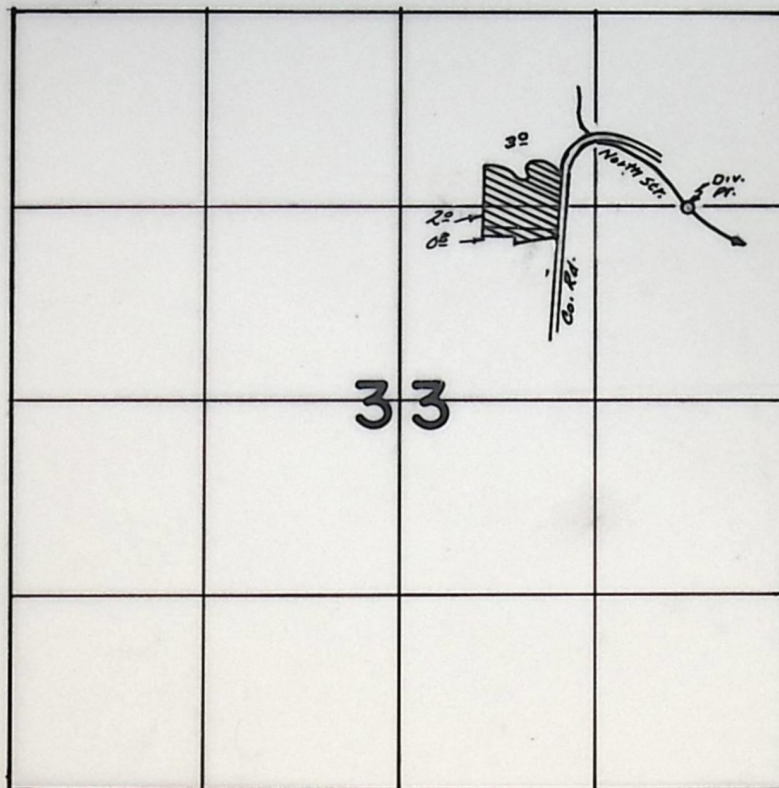
FEES REFUNDED

Date	Amount	Check No.
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REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<u>WA</u>	Name	<u>✓</u>	_____
<u>WA</u>	Stream	<u>✓</u>	_____	
<u>WA</u>	Pt. of Div.	_____	_____	
<u>WA</u>	Calendar	<u>✓</u>	_____	
<u>✓</u>	CHANGED TO RECORDS:			
<u>✓</u>	Two page	<u>NO</u>	_____	
_____	Decrease	_____	_____	
_____	Decrease	_____	_____	
<u>✓</u>	Cert. W/R	<u>NO</u>	_____	
<u>✓</u>	Per. folder	<u>NO</u>	_____	
_____	Chaindex	_____	_____	
_____	Cross Ref.	_____	_____	
_____	Power Chain	_____	_____	
_____	Abstracts	_____	_____	

T. 2N. R. 4W. W.M.



Div. Pt. - 1320' S. & 700' W. from NE Cor. Sec. 33

**FINAL PROOF SURVEY**  
UNDER

**TRANSFER No. 3290**

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

**MRS. WALTER CARRINGTON**

Surveyed **Oct. 6, 1977**, by **S.C. BROWN**

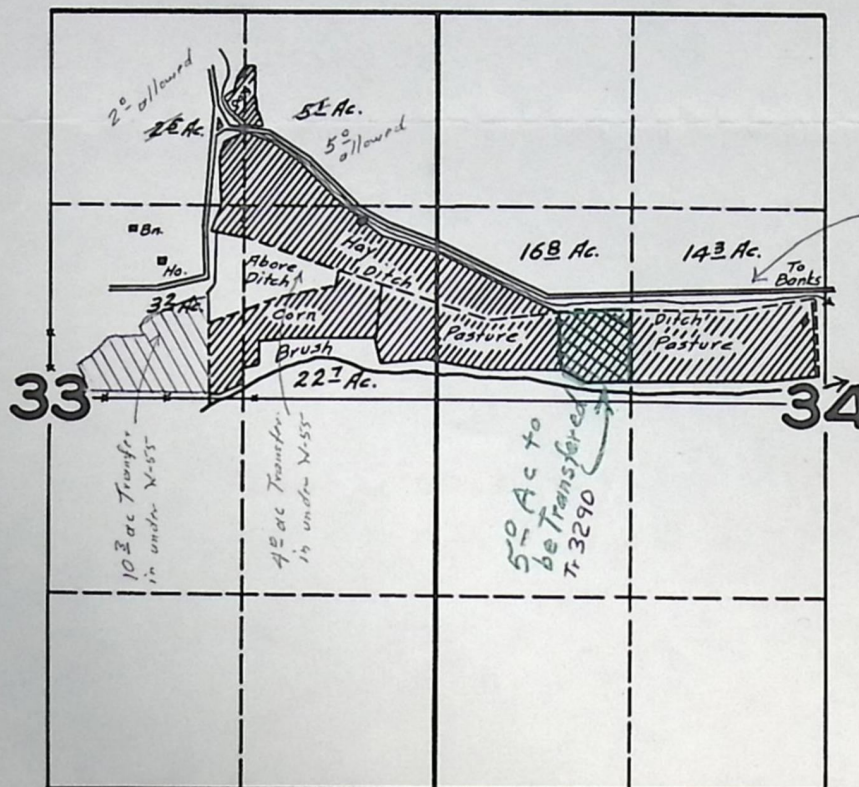
Tr- 3290

RECEIVED

MAY 2 1976

WATER RESOURCES DEPT  
SALEM, OREGON

T.2N. R.4W. W.M.



Transfer No 3290

FINAL PROOF SURVEY  
UNDER

Application No. 18154 Permit No. 13797

IN NAME OF

JULIUS WINTERFIELD

Surveyed JULY 27 1944, by *James B. Bunnell*

SECTION 33 T2N R4W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=400'

SEE MAP

2N 4 28

2N 4 33

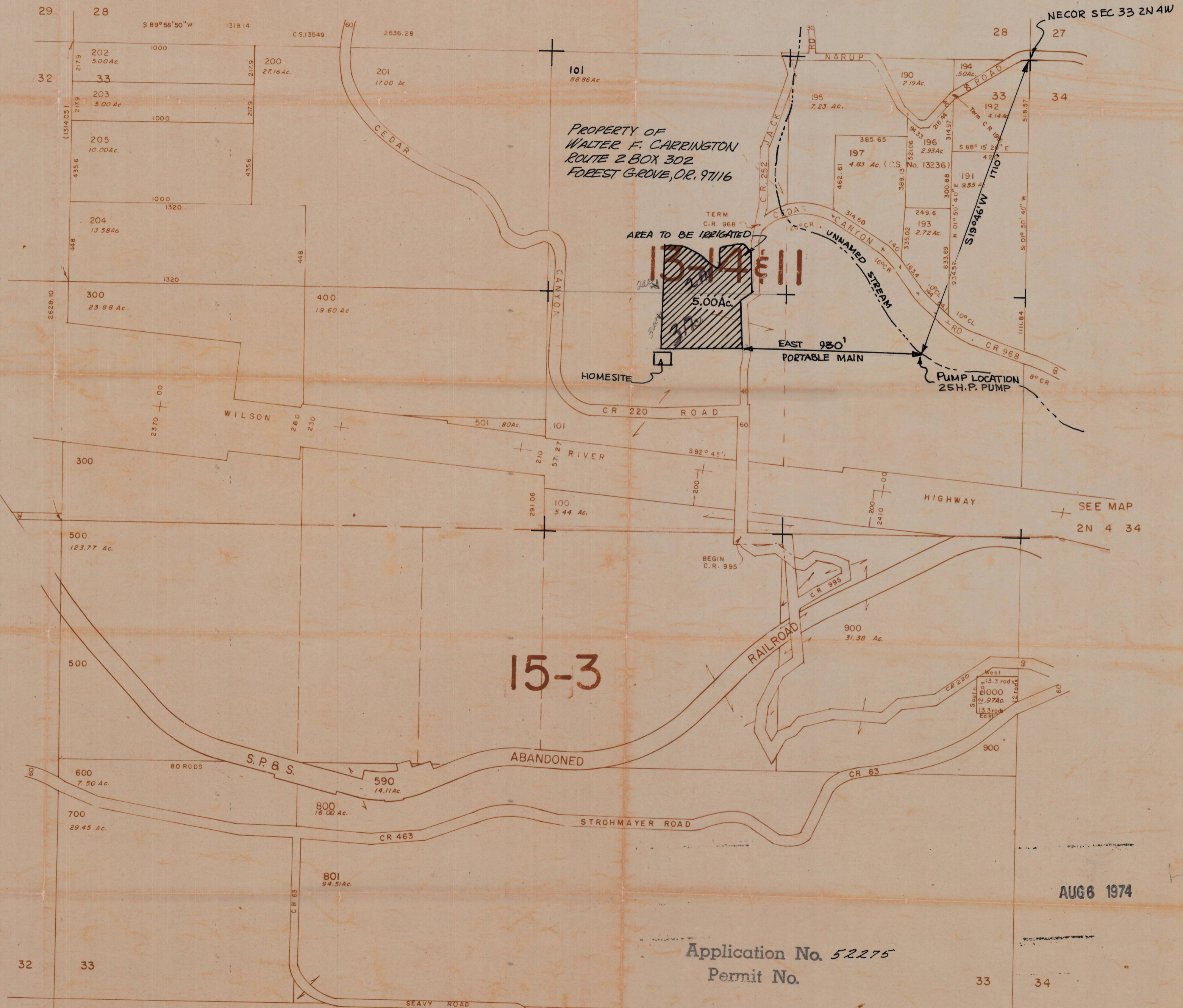
RECEIVED

AUG 16 1974

STATE ENGINEER  
SALEM, OREGON

SEE MAP  
2N 4 32

SEE MAP  
2N 4 34



SEE MAP  
IN 4 4

RECEIVED

AUG 8 1973  
STATE ENGINEER  
SALEM, OREGON

Application No. 52275  
Permit No.

AUG 6 1974

54900-  
2N 4 33

77- PB-40

28 - 10-11-11

51 7/8

R.4W WM WASHINGTON

[illegible]

October 6, 1977

Info: MR Carrington

Source: Sodd Creek (TR. ~~Form~~ says North Stream  
Quad says Sodd Creek) (TR Map says Unn. Str.)

Use: Irrigation ~~&~~

Crop: PASTURE

Pump: ~~to~~ Pump, Pipe, & Power Co Pump DDC 3" x 2 1/2"

Motor: Worthington 25 hp @ 3520

Pipe: 3000' 9" ALUM

Heads: 28 - RB 30's & 40's 3/4" ALL MAX

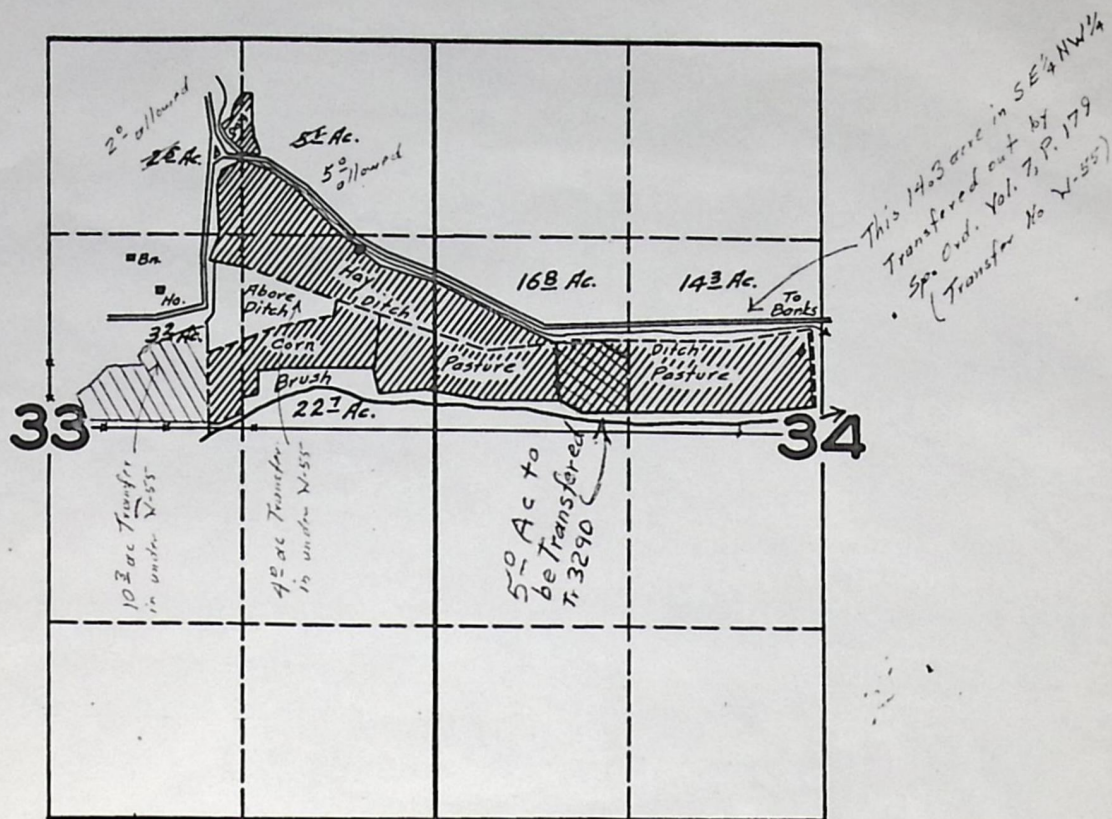
Lift: Suction 5 ft discharge +0 to 100 ft (from Quad)

Tie: Photo DBS-26-100

John R. Carrington  
Field Engineer

$$\frac{6.6 \times 25}{105 + 115} = \frac{165}{220} = .75 \text{ cfs.}$$

$$\frac{28 \times 9.2}{450} = .57 \text{ cfs}$$



Transfer No 3290

# FINAL PROOF SURVEY UNDER

Application No. 18154 Permit No. 13797

IN NAME OF

JULIUS WINTERFIELD

Surveyed JULY 27 1944, by

*James B. Bunnell*

## STATE OF OREGON

COUNTY OF

WASHINGTON

## CERTIFICATE OF WATER RIGHT

RECEIVED  
NOV 16 1976  
WATER RESOURCES DEPT  
SALEM, OREGON

**This Is to Certify, That** JULIUS WINTERFIELD

of Banks, State of Oregon, 97106, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of two unnamed streams

a tributary of West Fork of Dairy Creek for the purpose of irrigation of 59.0 acres

under Permit No. 13797 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, 1939 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 0.74 cubic foot per second, being 0.25 c.f.s. from north stream and 0.49 c.f.s. from south stream

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 $\frac{1}{4}$  NE $\frac{1}{4}$ ; NW $\frac{1}{4}$  NE $\frac{1}{4}$ ; SW $\frac{1}{4}$  NE $\frac{1}{4}$ ; and SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; Section 33; SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, T. 2 N., R. 4 W., W. M.

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:

5.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
2.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
13.5 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
26.7 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 33

11.8 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 34  
T. 2 N., R. 4 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 20227, Volume 14, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on June 4, 1976, approving transfer application No. 3290.

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. October 18, 1976

*James P. Olsen*  
Water Resources Director

Filed for record 11-10 1976  
ROGER THOMSEN, County Clerk  
A.M.  
P.M.

Recorded in State Record of Water Right Certificates, Volume 35, page 43797

CERTIFICATE OF  
WATER RIGHT

STATE OF OREGON  
to

STATE OF OREGON,  
County of Washington } ss.

I CERTIFY, that the within was received  
and duly recorded by me in Volume 5  
of Record of Water Right Certificates, at  
page 322 on the 10 day  
of November, 1976

Rogel Thomassen  
County Clerk  
by S. Ameywood  
deputy

RECEIVED  
NOV 18 1976  
WATER RESOURCES DEPT  
Salem, Oregon

MILLERS FALLS  
ALL COTTON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION }  
OF MRS. WALTER CARRINGTON FOR THE }  
APPROVAL OF A CHANGE IN PLACE OF }  
USE OF WATER FROM NORTH STREAM }  
-----

ORDER APPROVING  
TRANSFER NO. 3290

On August 7, 1975, Mrs. Walter Carrington filed an application for transfer of water right in the office of the Water Resources Director proposing a change in place of use under an existing right of record to appropriate not to exceed 0.06 cubic foot per second of water from an unnamed stream with a date of priority of June 3, 1939, for irrigation of 5.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, Township 2 North, Range 4 West, W.M., being a portion of the right evidenced by the certificate recorded at Page 20227, Volume 14, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to divert the water at the point located South 19 degrees 46 minutes West, 1710 feet from the Northeast corner of Section 33, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, Township 2 North, Range 4 West, W.M., and apply the water to irrigation of 2.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 3.0 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 33.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

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

MILLERS FALLS  
ALL COTTON

No objection having been filed and it appearing that the proposed change in 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 5.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, Township 2 North, Range 4 West, W.M., with a date of priority of June 3, 1939, be severed therefrom and simultaneously and without loss of priority transferred to 2.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 3.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, Township 2 North, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that certificate of water right heretofore issued to Julius Winterfield and recorded at Page 20227, Volume 14, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Mrs. Walter Carrington confirming the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 4th day of June, 1976.

/s/ JAMES E. SEXSON  
Director

NOTICE OF COMPLETE APPLICATION  
OF WATER TO BENEFICIAL USE

Transfer No. 3290

I, Mrs. Walter Cunningham hereby certify that  
on July, 1976, the water has been applied to  
the lands to which the water right was transferred by an order of the  
Water Resources Director dated June 4, 1976, approving an  
application for a change in place of use of water from \_\_\_\_\_  
North Stream.

Sept. 15, 1976  
Date

**RECEIVED**

SEP 23 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

Mrs. Walter F. Cunningham  
Signature

# Application for Transfer of Water Right

Water Resources Director  
To the ~~STATE ENGINEER~~ OF OREGON:

I, Mrs. Walter Carrington  
(Name of applicant)  
of Rt 2 Box 302 Forest Grove, County of Washington  
(Postoffice)  
State of Oregon 97116, do hereby make application for change in place of use

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

- The source of present water right is North Stream  
(Name of stream)
- The use to which the water is applied is Irrigation  
(Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is Pump
- The point of diversion is located 5 19° 46' W, 1710 ft ft. and NE ft. from the  
(N. or S.) (E. or W.)  
corner of Sec 33 being within the SE 1/4 SE NE  
(Section or subdivision)  
of Section 33 Tp. 2N R. 4W W. M., in the County of Wash.  
(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
2N	4W	34							50									

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)

0.06 cfs

- Are you the legal owner of the above described lands? Yes  
(If not owner, explain your interest)
- Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes
- What is the date of priority of your water right? June 3, 1939
- Was your water right acquired by State Engineer's Permit? Yes If so, give number of permit 13797  
(Yes or No)

10. Do you hold a water right certificate? Yes If so, give number of certificate 20227  
(Yes or No)

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

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

12. Is the water right recorded in your name? Julius Winterfield  
(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 $\frac{1}{4}$
<u>2N</u>	<u>4W</u>	<u>33</u>		<u>20</u>	<u>30</u>													

(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 ..... ft. ..... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... of Section ..... Tp. .... R. .... W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of ..... 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? .....

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>Mortgage</u>	<u>Federal Land Bank</u>	<u>OK'd</u>

20. Reasons for the proposed changes are To establish an early priority  
for lands west of road

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Marietta

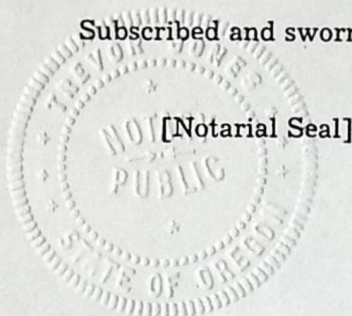
} ss.

I, Mr. Walter J. Cunningham, 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 7 day of Aug, 1975

Mr. Walter J. Cunningham  
(Name of applicant)

Subscribed and sworn to before me this 7 day of Aug, 1975



[Notarial Seal]

Trevor Jones  
NOTARY PUBLIC FOR OREGON

My commission expires Aug 11 1976

Remarks

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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.