

3226

STATUS OF APPLICATION

Change in point of diversion  
 Date filed 5-15-75  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 12-1-75 Vol. 26, page 195  
 Date for application of water 10-1-76  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued NOV 17 1978 Vol. 39, page 46951  
*Survey 9/76*

DESCRIPTION OF WATER RIGHT

Name of stream Yamhill River  
 Trib. of \_\_\_\_\_ County of Yamhill  
 Use irrigation  
 Quantity of water 0.22 cfs No. of acres 176  
 Name of ditch pump  
 Date of priority May 12, 1943  
 In name of W. D. Warmington  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 19911 Per. No. 15487 Cert. No. 17277  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>5-15-75</u>	<u>30.00</u>	<u>46836</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

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



REPORT ON INSPECTION UNDER  
TRANSFER OF WATER RIGHT FORTransfer No. 3226County Yamhill

1. Name Arnold L. Johnson Address Rt. 2, Box 147, McMinnville 97128
2. Source of Supply Yamhill River, Trib. of WILLAMETTE RIVER
3. Amount of Water 0.22 Priority Date May 12, 1943
4. Use irrigation of 17  $\frac{1}{2}$  ACRES
5. Proposed Point of Diversion <sup>1130</sup>~~1150~~ ft. S. and <sup>2000</sup>~~2040~~ ft. W. from the NE corner of  
Sec. 14, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 14, T. 4 S., R. 4 W., W.M. YAMHILL
6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/76

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
4S	4W	11	SW $\frac{1}{4}$ SE $\frac{1}{4}$		10/0 acres
4S	4W	11	SE $\frac{1}{4}$ SE $\frac{1}{4}$		1.6 acres
4S	4W	14	NE $\frac{1}{4}$ NE $\frac{1}{4}$		0.5 acres
4S	4W	14	NW $\frac{1}{4}$ NE $\frac{1}{4}$		5.5 acres
			40 mat		

DFQ-3D-139  
(9-10-76)  
Inspection  
10-15-76  
LHN

Info: Mr. Johnson

Inspected this div. pt. during F.P. Survey on Sept. 10, 1976  
under App # 53135, Per # 38612, & served on photo

DFQ-3D-139

See above F.P. report for equip & discription

Land: The same land is irrigated & has been for many years,  
from this div. pt.

Mr. Johnson said he can run 40 heads on this ground

TIE

Inspection - 10-15-76

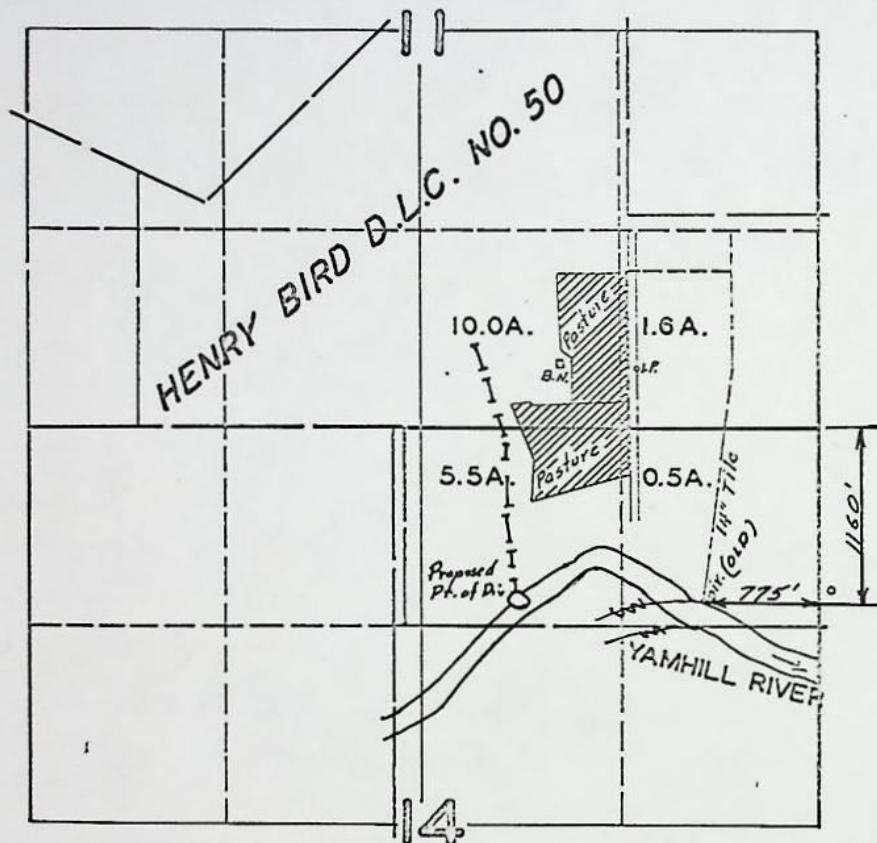
DFQ-3D-139 - ~~10-15-76~~ 9-10-76.

10-15-76  
Larry B. Jurn  
Field Engineer



RECEIVED  
MAY 15 1975  
STATE ENGINEER  
SALEM, OREGON

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



*Proposed Point of Diversion Located: 1150 ft. S & 2090 ft. W.  
from the NE Corner of  
Section 14*

**FINAL PROOF SURVEY**  
UNDER

Application No. 19911..... Permit No. 15487.....  
IN NAME OF

.....**W.D. WARMINGTON**.....

Surveyed **MAR. 27, 1947**, by **JAS. E. BUNNELL**

Transfer No. 3226

NOTICE OF COMPLETION OF CONSTRUCTION

I, Arnold L. Johnson, hereby certify  
that the construction work has been completed and the change in  
point of diversion of water made as set forth in the order of  
the <sup>Water Resources Director</sup> ~~State Engineer~~ dated Dec. 1, 1975, approving an appli-  
cation for a change in point of diversion of water from \_\_\_\_\_  
Lamhill River.

August 16, 1976  
Date

Arnold L. Johnson  
Name

RECEIVED

AUG 18 1976

WATER RESOURCES DEPT  
SALEM, OREGON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)  
OF ARNOLD L. JOHNSON FOR THE  
APPROVAL OF A CHANGE IN POINT OF  
DIVERSION OF WATER FROM YAMHILL  
RIVER

ORDER APPROVING  
TRANSFER NO. 3226

-----

On May 15, 1975, Arnold L. Johnson filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. D. Warmington and recorded at Page 17277, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.22 cubic foot per second of water from Yamhill River for the irrigation of 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 1.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11, 0.5 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 5.5 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 14, Township 4 South, Range 4 West, W.M., with a date of priority of May 12, 1943. These lands are irrigated from a point of diversion located 1160 feet South and 775 feet West from the Northeast corner of Section 14, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 14, Township 4 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 1150 feet South and 2040 feet West from the Northeast corner of Section 14, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 14, Township 4 South, Range 4 West, 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. Gene McGinnis, Watermaster of District No, 2, 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.

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 Yamhill River, to wit:

From a point located 1160 feet South and 775 feet West from the Northeast corner of Section 14, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 14, Township 4 South, Range 4 West, W.M.

To a point to be located 1150 feet South and 2040 feet West from the Northeast corner of Section 14, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 14, Township 4 South, Range 4 West, W.M.

for the irrigation of 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 1.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11, 0.5 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 5.5 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 14, Township 4 South, Range 4 West, W.M., with a date of priority of May 12, 1943, 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 0.22 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 water master.



It is FURTHER ORDERED that certificate of water right heretofore issued to W. D. Warmington and recorded at page 17277, Volume 14, 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, a certificate of water right shall be issued to Arnold L. Johnson confirming the change in point of diversion.

Dated at Salem, Oregon, this 1st day of December, 1975.

/s/ JAMES E. SEXSON  
Director



RECEIVED  
MAY 15 1975  
STATE ENGINEER  
SALEM, OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, ARNOLD L. JOHNSON  
(Name of applicant)

of Box 147, Memmerville, Ore County of Yamhill  
(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 Yamhill 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 None

X 4. The point of diversion is located 1160 ft. S and 775 ft. W from the NE  
(N. or S.) (E. or W.)

corner of Section 14 being within the NE 1/4 NE 1/4  
(Section or subdivision)

of Section 14 Tp. 4 S R. 4 W W. M., in the County of Yamhill  
(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
45	4W	11															100	16
45	4W	14	0.5	5.5														

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? May 12, 1943  
March 27, 1947

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number  
(Yes or No)  
of permit 15487



X 10. Do you hold a water right certificate? Yes If so, give number of certificate 17277  
(Yes or No)

X 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? No -- W.D. Warmington  
(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 1150 ft. S and 2040 ft. W from the NE corner of Sec. 14 being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 14 Tp. 4S R. 4W W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)  
in the county of Yemahalli The name of the ditch to be used is Pump

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.? Yes  
(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 Addition of irrigated Acres.  
More convenient to irrigate all acres from new  
point of diversion

STATE ENGINEER  
RECEIVED



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Marion } ss.

I, ARNOLD L. JOHNSON, 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 15<sup>th</sup> day of May, 1975.

Arnold L. Johnson  
(Name of applicant)

Subscribed and sworn to before me this 15<sup>th</sup> day of May, 1975.

[Notarial Seal]

Myron V. Bish  
NOTARY PUBLIC FOR OREGON

My commission expires Oct. 31, 1976

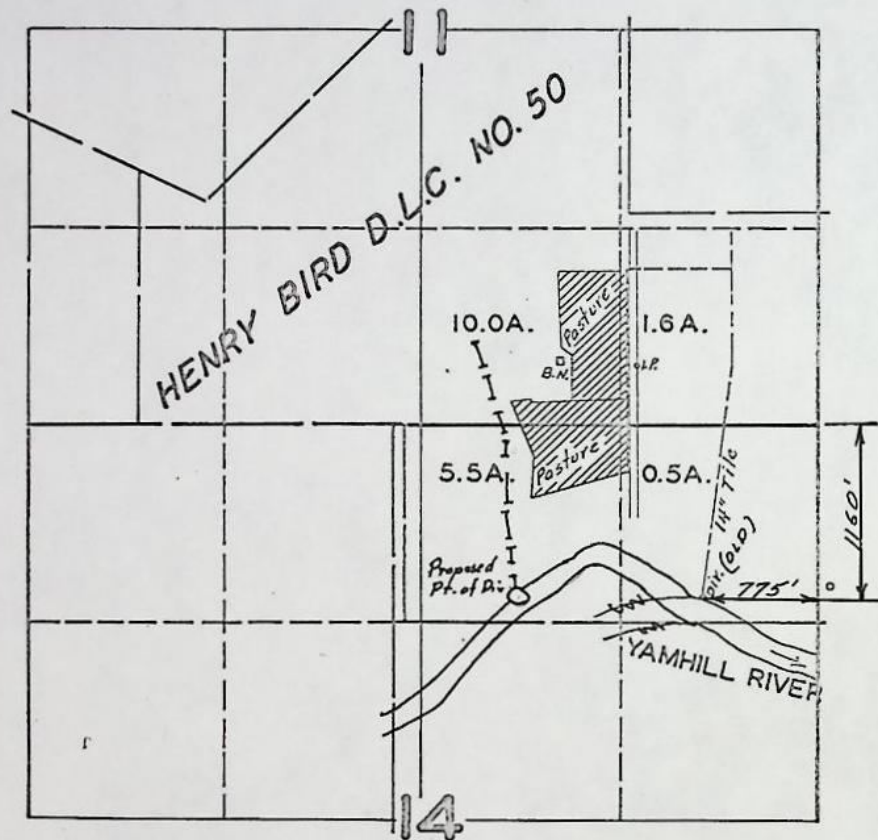
Remarks \_\_\_\_\_

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.



**RECEIVED**  
MAY 15 1975  
STATE ENGINEER  
SALEM, OREGON

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



*Proposed Point of Diversion Located: 1150 ft. S & 2040 ft. W.  
from the NE Corner of  
Section 14*

**FINAL PROOF SURVEY**  
UNDER

Application No. 19911..... Permit No. 15487.....  
IN NAME OF

W.D. WARMINGTON

Surveyed MAR. 27, 1947, by JAS. E. BUNNELL

2040  
775  
1265