

4226 Kirkham

Name Richard Kirkham

By _____

Address 9225 Steel Bridge Road
Willamina, OR 97396Change in POUDate filed May 22, 1979

Date of hearing _____

Place of hearing _____

✓ Date of order 6-11-79 Vol. 32, page 187Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

4226

DESCRIPTION OF WATER RIGHT

Name of stream South Yamhill RiverTrib. of _____ County of PolkUse IrrigationQuantity of water _____ No. of acres 950

Name of ditch _____

Date of priority 10-11-38In name of William Schulz

_____ Adjudication, Vol. _____, page _____

App. No. 17629 Per. No. 13313 Cert. No. 20884 (T-3971)

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-22-79</u>	<u>46 25</u>	<u>11737</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

✓ Survey 3/80
Finis 1-7-81 SBARetransfer of this right under T-4518

W.R.I.S.

Assembled 2-22-83 by SA

Entered _____

Verified _____ by _____

INDEX CARDS:

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

CHECKED TO RECORDS:

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF RICHARD KIRKHAM FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM SOUTH YAMHILL RIVER ,)

ORDER APPROVING
TRANSFER NO. 4226

On May 22, 1979, an application was filed in the office of the Water Resources Director by Richard Kirkham for approval of a change in place of use of water from South Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

By performance under the provisions of an order of the Water Resources Director approving water right transfer No. 3971, a water right now exists for the use of not to exceed 1.18 cubic feet per second of water from South Yamhill River for irrigation of a certain 8.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 28.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 7.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6; 17.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 32.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.1 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 6 South, Range 6 West, W.M.; and 0.6 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 6 South, Range 7 West, W.M., with a date of priority of October 11, 1938.

The authorized point of diversion of record for said right is located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 6 South, Range 7 West, W.M.

The applicant herein proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 4.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 0.9 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 6 South, Range 6 West, W.M.; 8.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.3 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 39.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 23.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 11.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 6 South, Range 7 West, W.M.

Mr. Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

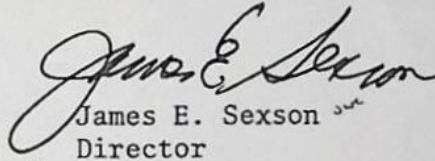
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that NO new certificate of water right be issued as provided by the order of the Water Resources Director approving transfer No. 3971; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 8th day of June, 1979.


James E. Sexson
Director

S. YAMHILL RIVER

WF T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. *T000042261* PERMIT NO. *013313* CERTIF. NO.
 ORIG. NO. *A000176291* PREV. NO. *T000039711* SUPER. NO.

NAME: *RICHARD KIRKHAM*

ADDRESS: *9225 STEEL BRIDGE RD*

CITY/STATE/ZIP/COUNTY: *WILLAMINA, OR 97396 27*

STREAM-ID *02 1140 0760 0130*

RIV.MI.

WM.DIST. *18* W.R.TYPE *SA* STATUS *V*

CANCEL YEAR--->

CONSTR.COMPLT--> *11 01 1979*

YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> *10 11 1938*

PUT TO USE-----> *11 01 1979*

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION---> *05 22 1979*

SURVEYED-----> *01 07 1981*

EXAM.FEE-----> *20.00*

RECORDING FEE-----> *26.25*

PERMIT ISSUE--> *06 11 1979*

CONCLURENCE-----> *01 07 1981*

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR.STRT.--> *06 11 1979*

CERTIFIED----->

CORRES.INIT.----->

CORRES.DATE----->

POINT-OF-DIVERSION DATA:
 TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV.MI.

RATE

STATUS S OR P

** REMARKS; - - - - ->
 ** DATED-->

0605 070W 12 A A 02 1140 0760 0130

1,180

V P

** *CHANGES POW PRIOR T-3971.*

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

SEE ATTACHED

VER.I.S.

APPROVED 2-22-85 SDA

FILED

VERIFIED

PLACE-OF-USE DATA:

[illegible]

STEVE,

CHECK THIS ONE.

HE WANTS TO
TRANSFER THIS LAND
FROM HERE TO ANOTHER
FIELD. [LAND SHOW AS
Trees, {two fields} are
still there] ^{guy}
WAS IT IRRIGATED

1979. Attached is a
report by DONALDSON ~~for~~
when a transfer was made
here two years ago. This
guy switches this water
right with another field
every year. probably inspection LWT

SURVEY 1980

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE
Add'l POD

~~OK~~
~~BAR~~
Jim Carver said this
was OK and needed approval
to retransfer.

Tr- 4518
4226
3971
3568

Transfer NO. 4226
3971

County Polk

Old Certificate NO. 20894 (T-3971)

~~OK~~
~~BAR~~

1. Name Richard Kirkham
Address 9225 Steel Bride Road Willamina, OR 97396
2. Source of Supply South Yamhill River, Trib of _____
3. Use Irrigation
4. Amount of Water 1.18 cfs Priority Date October 11, 1938
5. Proposed Point of Diversion _____

6. Completion Date October 1, 1980

7. Place of Use:

DO NOT REMARK
GULCH PORTION -
JUST SCAN AS IS.
(omit sticky +
toss once done) Julia

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Acres To Be Irrigated
6 S	6 W	7	SW1/4 NW1/4	4.8
			NW1/4 SW1/4	0.9
6 S	7 W	12	NE1/4 NE1/4	8.4
			NW1/4 NE1/4	0.3
			SW1/4 NE1/4	6.2
			SE1/4 NE1/4	39.6
			NE1/4 SE1/4	23.0
			NW1/4 SE1/4	11.8
				95.0 acres

(If more space required, attach separate sheet)

			TOTAL	95.0 acres
--	--	--	-------	------------

SURVEY 1980

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE
Add'l POD

~~OK~~
~~DAE~~
Jim Carver said this
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Transfer NO. 4226
3971

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~~DAE~~

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			NW1/4 SE1/4	11.8
				95.0 acres

(If more space required, attach separate sheet)

			TOTAL	95.0 acres
--	--	--	-------	------------

T-4226



 ← TRANSFER- 3568

RICHARD KIRKHAM

Lands water right is being transfered ~~from~~ to

Info. Richard Kirkham land has be irrigated as applied on.

Div. Pt # 2 : direct from South Yamhill River

Pump & motor : Marathon 50 hp @ 3525
Berkeley CDD 5 x 4
rated

Pipe: ~~990'~~ 990' 6" alum. } main
5550' 4" alum. }
3080' 3" alum lat.

Heads: 129 RB 30 11/64 x 0 max.

~~Heads:~~

Lift : +10 to +20

Crops: peas & oats, wheat, alfalfa, corn

tie : DFQ-3LL-49

Steve Donaldson
FE 3-9-78

$$\text{Pump @ 75} \frac{(50)(6.6)}{10+114} = 2.7 \text{ cfs}$$

$$\text{Heads @ 45} \frac{(129)(4.6)}{450} = 1.3 \text{ cfs}$$

$$\text{Duty} = \frac{95}{80} = 1.18 \text{ cfs}$$

NOTICE OF COMPLETION OF CHANGE IN

Place of use from South Yamhill River

PURSUANT TO TRANSFER APPLICATION NO. 4226

I, Richard Kirkham, hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving said water right transfer application was accomplished by Nov 1, 1979.

Nov 1, 1979
Date

Richard Kirkham
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK.
J.C.F.

RECEIVED

MAY 22 1979

Application for Transfer of Water Right

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Richard Kirkham

(Name of applicant)

of 9225 Steel Bridge Road

(Mailing address)

Willamina

(City)

State of Oregon

97396

(Zip Code)

876-6733

(Phone number)

, do hereby make application for change
in place of use

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

1. Is the water right recorded in your name? William Schulz

(If not, give name)

2. Was your water right determined by Decree of Court? If so, give title of proceedings

(Yes or No)

..... number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit 13313 Number of certificate 20884 (See Transfer No. 3971)

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is South Yamhill River

5. What is the date of priority of your water right? October 11, 1938

6. The authorized point of diversion is located 880 ft. S and 270 ft. W from the NE

(N. or S.)

(E. or W.)

corner of Sec. 12 being within the NE 1/4 NE 1/4 of Section 12 Tp. 6 S R. 7 W W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Polk The name of the ditch used is

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located ft. and ft. from the

(N. or S.)

(E. or W.)

corner of being within the 1/4 1/4 of Section Tp. R. W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of The name of the ditch to be used is

8. The use to which the water is applied is irrigation

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

Location of area irrigated, or place of use if other than irrigation:

8.4 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$

28.8 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

7.7 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 6

17.4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

32.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

0.1 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 7

T. 6 S., R. 6 W., W. M.

0.6 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 12

T. 6 S., R. 7 W., W. M.

All as projected within Haggard DLC 94

95.0 acres

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? No, Buying on contract from Mr. Ben Hanson

(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Sales contract	Ben Hanson	
2nd Mortgage	Robert Gill	

13. The use to which the water is to be applied is _____
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
6 S	6 W	7	SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.8
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.9
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			NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.3
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	6.2
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.6
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	23.0
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.8
				95.0 acres

(If more space required, attach separate sheet)

See letter of 9/3/78

14. Reasons for the proposed changes are to accomodate crop rotation

15. Construction work will be completed on or before Done

16. The water will be completely applied to the proposed use on or before Fall of 1979

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Richard Kirkham, 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 22nd day of May, 1979.

Richard M. Kirkham
(Name of applicant)

Subscribed and sworn to before me this 22nd day of May, 1979.

[Notarial Seal]

James W. Carver
NOTARY PUBLIC FOR OREGON

My commission expires 8/8/80

Surveyed July 13, 1954, by T. Jones.....
Inspected 1979



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: _____, 19__.

FROM: ** Michael F. Ladd, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4226

IN THE NAME OF Richard Kirkham

RECEIVED

JUN 01 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

In my opinion the proposed change in place of use from South Yamhill River
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? _____
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- ____ (1) PRIOR to the diverting of water at the new point of diversion . . .
X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water rights because _____

** Michael F. Ladd
Watermaster's signature or initials

Sept. 30, 1978

Water Resources Department
Mill Creek office Park
Wayne J. Overcash
Water Rights Engineer

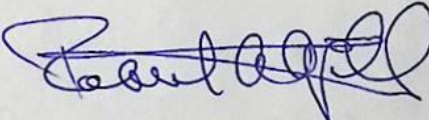
RECEIVED
OCT 6 1978
WATER RESOURCES DEPT.
SALEM, OREGON

RE: File No. T*3971
Water Rights Transfer Application No. 3971

Dear Mr. Overcash:

Richard Kirkham has permission to transfer the water rights on the farm according to the needs of the Sweet Corn , Wheat Rotation.

Sincerely,

Ben Hansen


(Phone - 636-33510)
(P. O. Box 233)
Lake Oswego, OR 97034)