

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 _____

to survey 3/80

REMARKS

Finis 1-1-81 SRS

Retransfer of this right under T-4518

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>11087</u> |
| TOTAL . . . | | |
| | | Cert. Fee |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

| TO BE ENTERED WHERE CHECKED | INDEX CARDS: | Entered | Checked |
|-----------------------------|----------------|----------|----------|
| | ✓ Name | <u>l</u> | <u>l</u> |
| | ✓ Stream | <u>l</u> | <u>l</u> |
| | ✓ Pt. of Div. | <u>l</u> | <u>l</u> |
| | ✓ Calendar | <u>l</u> | <u>l</u> |
| CHECKED TO RECORDS | | | |
| | ✓ Twp. & Rge. | <u>l</u> | <u>l</u> |
| | ✓ Decree-vault | <u>l</u> | <u>l</u> |
| | ✓ Decree-safe | <u>l</u> | <u>l</u> |
| | ✓ Cert. of W/R | <u>l</u> | <u>l</u> |
| | ✓ Per. Index | <u>l</u> | <u>l</u> |
| | ✓ Chain Index | <u>l</u> | <u>l</u> |
| | ✓ Cross Ref. | <u>l</u> | <u>l</u> |
| | ✓ Power Claim | <u>l</u> | <u>l</u> |
| | ✓ Abstracts | <u>l</u> | <u>l</u> |

| |
|--------------------------------------|
| W.R.I.S. |
| Assembled <u>2-22-79</u> by <u>l</u> |
| Entered _____ |
| Verified _____ by _____ |

X21

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.

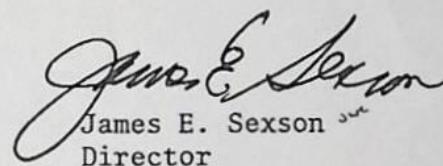
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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. VANHILL RIVER

WF T-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***PAGE 1
RUN ON: 3/20/81 AT: 9:08

*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. T0000422-61 PERMIT NO. 013313 CERTIF. NO.
ORIG. NO. A000176291 REV. 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-->

PRICRITY----> 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

CONCURRENCE----> 01 07 1981

CYCLE STATUS---->

REPORTED FLAG---->

CONSTR.START.--> 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-->
** CHANGES POU. PRIORE T-3971.

0605 070W 12 A A 02 1140 0760 0130

1,180

V P

**-----

**-----

**-----

**-----

**-----

**-----

**-----

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

SEE ATTACHED

W.D.I.S.

Approved 2-22-85 by 804

Entered _____

Verified _____ by _____

STEVE,

CHECK THIS ONE.

HE WANTS TO
TRANSFER THIS LAND
FROM HERE TO ANOTHER
FIELD. *(LAND shown as
Trees, 2 fields, are
still there)*
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 inpection
NWT

Survey 1980

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

Tr- 4518
1226
3971
3568

POU
USE
Add'l POD

Transfer NO. 3971

County Polk

Old Certificate NO. 20894 (T-3971)

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:

OK
DO NOT REMOVE
GLUED 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 | SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 4.8 0.9 |
| 6 S | 7 W | 12 | NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 8.4 0.3 6.2 39.6 23.0 11.8 |
| | | | | 95.0 acres |
| (If more space required, attach separate sheet) | | | | |

| | | | |
|--|--|--------------|-------------------|
| | | <u>TOTAL</u> | <u>95.0 acres</u> |
| | | | |

Survey 1980

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

Tr- 4518
1226
3971
3568

POU
USE
Add'l POD

Transfer NO. 3971

County Polk

Old Certificate NO. 20894 (T-3971)

OK
DAR

1. Name Richard Kirkham
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:

OK

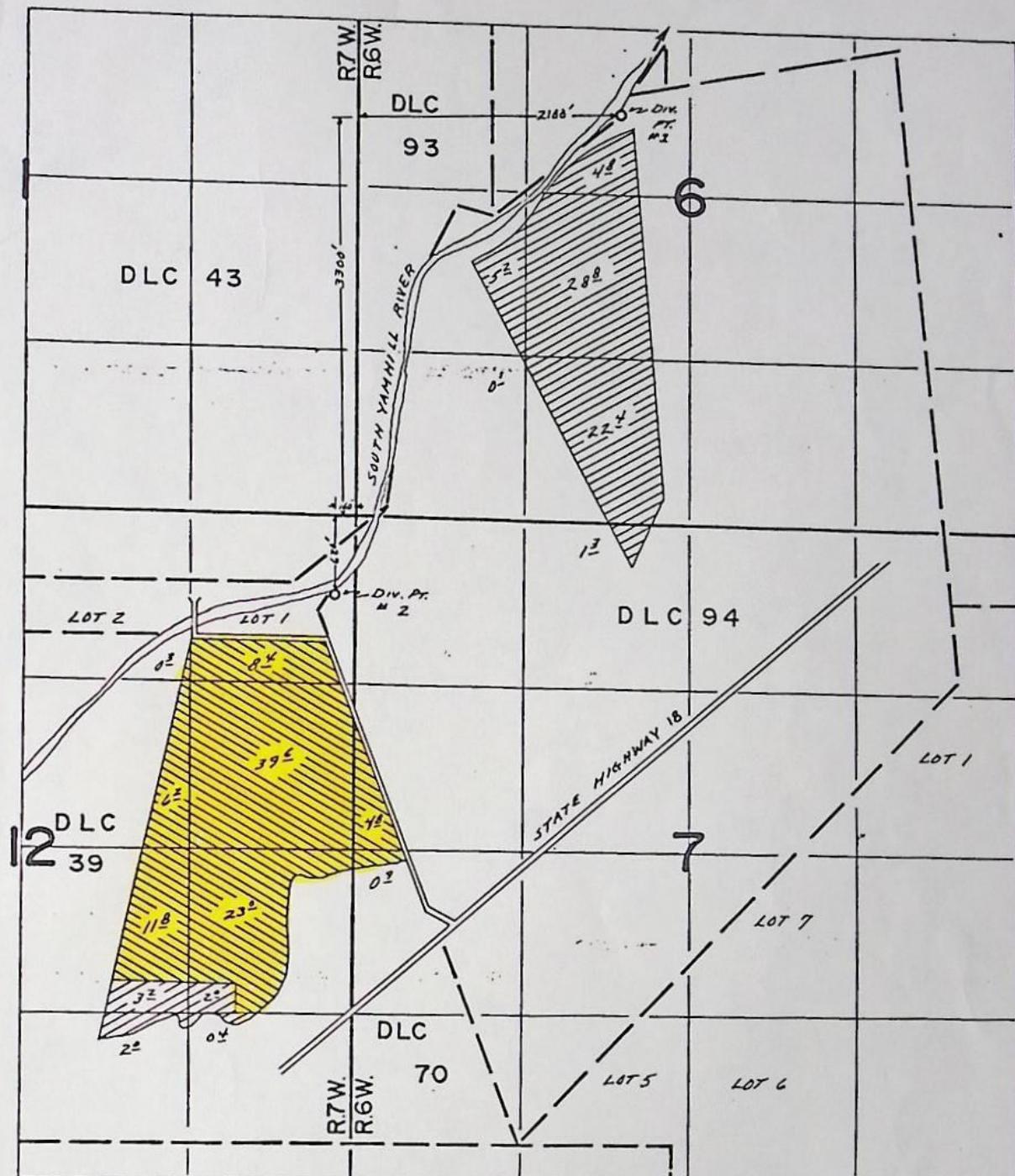
| Township North or South | Range E. or W. of Willamette Meridian | Section | List 1/4-1/4 of Section | Number Acres To Be Irrigated |
|---|---|---------|--|--|
| 6 S | 6 W | 7 | SW 1/4 NW 1/4 NW 1/4 SW 1/4 | 4.8 0.9 |
| 6 S | 7 W | 12 | NE 1/4 NE 1/4 NW 1/4 NE 1/4 SW 1/4 NE 1/4 SE 1/4 NE 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 | 8.4 0.3 6.2 39.6 23.0 <u>11.8</u> |
| | | | | 95.0 acres |
| (If more space required, attach separate sheet) | | | | |

| | | | |
|--|--|--------------|-------------------|
| | | <u>TOTAL</u> | <u>95.0 acres</u> |
| | | | |

OK
DAR
Carver said this
was OK and needed approval
to retransfer

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

T-4226



FINAL PROOF SURVEY

UNDER

→ A PPL - 53036

→ TRANSFER - 3568

TRANSFER No. 3568
Application No. 53036. Permit No. 40025..
IN NAME OF

RICHARD KIRKHAM

Surveyed 3-9 1978, by J.S.DONALDSON

Lands water right is being transferred ~~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: ~~129~~ 990' 6" alum. } main
5550' 4" alum. }
3080' 3" alum lat.

Heads: 129 RB 30 $11/64 \times 0$ max.

~~Land~~:

Lift: +10 to +20

Crops: peas, oats, wheat, alfalfa, corn

tie: DF Q-3LL-49

Steve Donaldson
FE 3-9-78

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

$$\text{Heads e45 } \frac{(129)(4.6)}{450} = 1.3 \text{ cfs}$$

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

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

R. Kirkham
Signature

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

OK

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 876-6733 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 20804 (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
 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, in-
 cluding 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 $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 4.8 0.9 |
| 6 S | 7 W | 12 | NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 8.4 0.3 6.2 39.6 23.0 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 ACCCOMPANIED 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)

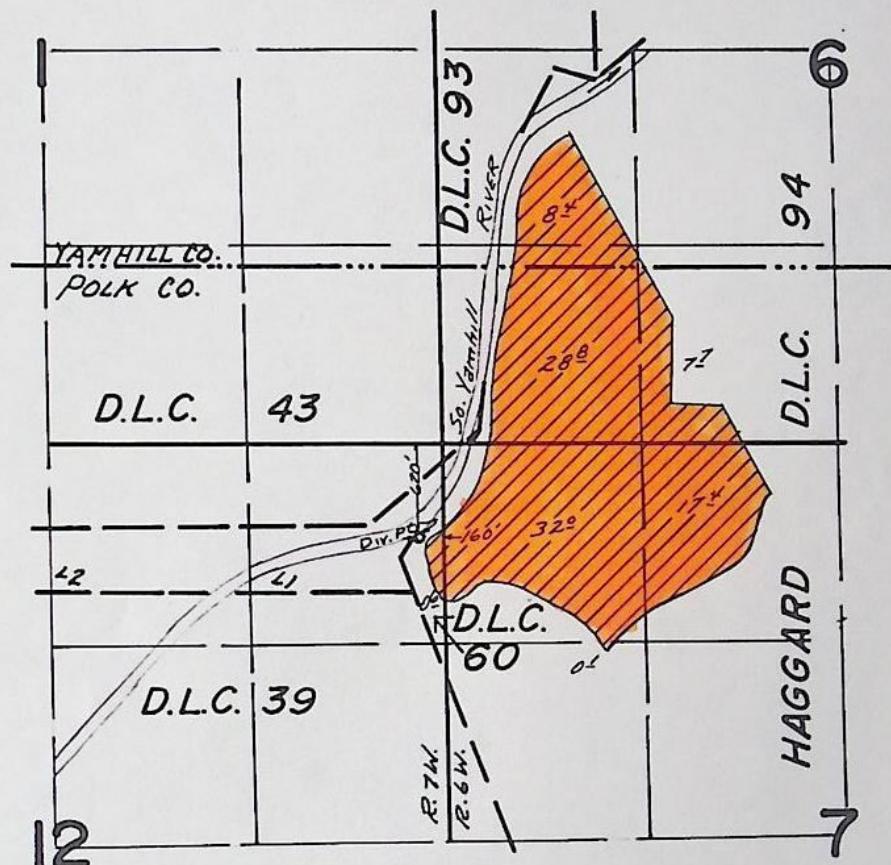
Subscribed and sworn to before me this 22nd day of May, 1979.

[Notarial Seal]

My commission expires 8/8/80

James W. Carver
NOTARY PUBLIC FOR OREGON

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



Lands water right is being transferred from

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3971
Application No. 17629... Permit No. 13313....
IN NAME OF

.....William Schulz.....

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

JUNO 1 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

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

RECEIVED
OCT 6 1978
WATER RESOURCES DEPT.
SALEM, OREGON

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
Robert O. Hansen

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