

T-10334

TEMPORARY

T-10334

Name Gareld Johnson

By \_\_\_\_\_

Address 8000 NE Gun Club RdCarlton, OR 97111503-472-9719 503-472-7344Change in POUDate filed 3-9-07

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 4/20/2007 Vol. 71, page 583

Date for application of water \_\_\_\_\_

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT

Name of stream Hawn cr/Hawn cr ResTrib. of Yamhill R County of YamhillUse IR IS

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority 9/28/1960In name of Hawn Creek District Improvement

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 534389 Per. No. 527097 Cert. No. 34739

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>3/9/07</u>	<u>200.80</u>	<u>86574</u>
TOTAL . . .		
	Cert. Fee	

## FEES REFUNDED

Date	Amount	Check No.

## REMARKS

NOID/NO CURERLO: Robert Johnson 8300 NE Gun Club Rd Carlton OR 97111



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

March 20, 2007

GARELD JOHNSON  
8000 NE GUN CLUB ROAD  
CARLTON OR 97111

Reference: Temporary Transfer 10334

On March 9, 2007 we received your water right transfer application requesting place of use change for use of water from HAWN CR/HAWN CR RS, tributary to YAMHILL RIVER. The application was accompanied by \$200.80. Our receipt 86574 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

OAR 690-15-310 prohibits the temporary transfer from taking effect if water has been used on any existing proposed lands involved in the temporary transfer during the season of use. The season of use may be an irrigation season. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #16  
Danette Ehlers, ODFW  
Robert Johnson, Landowner

enclosure





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 03/20/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: YAMHILL  
Transfer: 10334  
Water Right: CERT 34739  
Priority Date: 1960  
Name: GARELD JOHNSON  
Address: 8000 NE GUN CLUB RD; CARLTON OR 97111  
Change: POU  
Source: HAWN CR/HAWN CR RES  
Authorized POU: T4S R4W 2  
Proposed POU: T4S R4W 2

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

# Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 4

South

Range: 4

West

Section: 2

Records per Page: 100

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select <b>Claim:GR 112 *</b>			IRRIGATION																					3.5
Additional Info: F BOURLAND Claim: GR112																								
Select <b>Permit:R 12185 CN</b>		5/13/1994	WILDLIFE	CN				*																
Additional Info: ILSA PERSE App: R74048 Permit: R12185																								
Select <b>Cert:28517 OR CN</b>		1/5/1956	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN	43																			5.2
Additional Info: L F BOURLAND App: G155 Permit: G119 Cert: 28517																								
Select <b>Cert:28520 OR *</b>		3/19/1954	IRRIGATION		2			5																
Additional Info: HAWN CREEK DISTRICT IMPROVEMENT CO. App: S29074 Permit: S22865 Cert: 28520																								
Select <b>Cert:28520 OR *</b>		3/19/1954	IRRIGATION		44			0.4																
Additional Info: HAWN CREEK DISTRICT IMPROVEMENT CO. App: S29074 Permit: S22865 Cert: 28520																								
Select <b>Cert:28521 OR *</b>		2/8/1957	IRRIGATION		43																			4
Additional Info: L F BOURLAND App: S31354 Permit: S24701 Cert: 28521																								
Select <b>Cert:34207 CR *</b>		1/5/1956	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		43																			5.2
Additional Info: EARL G SMITH JR App: G155 Permit: G119																								

✓

[illegible]

[illegible]

[illegible]

Susan



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(503) 986-0900  
www.wrd.state.or.us

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-10334

Review Due Date: 4/19/07

Applicant Name: Gareld Johnson

Proposed Changes: ☒ POU ☐ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): M. Mccord

Date of Review: Apr. 3, 2007

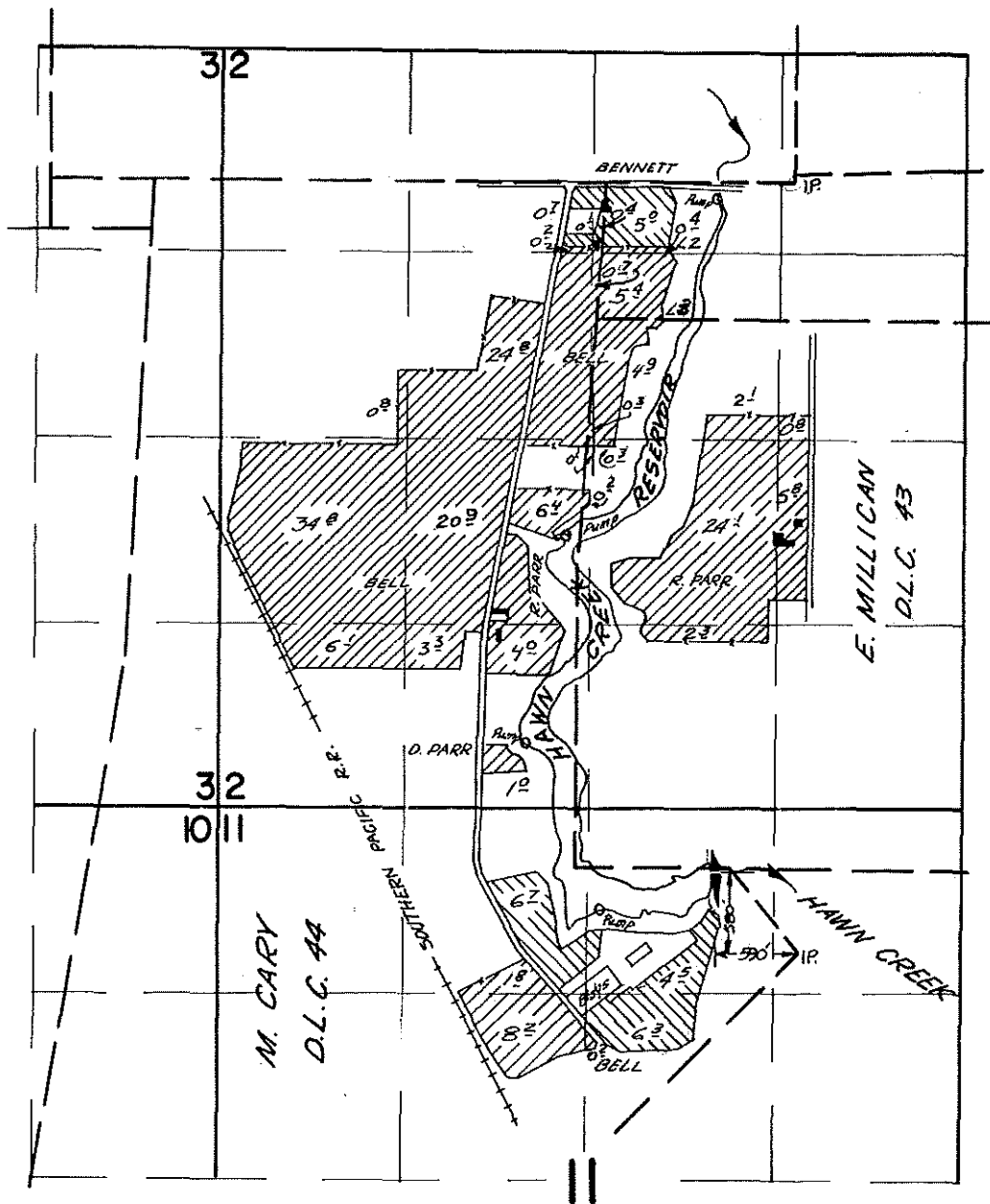
1. Do you have information suggesting that the water rights may be subject to forfeiture?  
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: \_\_\_\_\_
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: \_\_\_\_\_
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: \_\_\_\_\_
4. Are there upstream water rights that would be affected by the proposed change?  
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: \_\_\_\_\_
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
☒ Yes ☒ No If "Yes", explain: \_\_\_\_\_
7. For POU changes, would the original place of use continue to receive water from the same source? ☒ Yes ☐ No ☐ N/A If "Yes", explain: Based on complaints received, the site will have to be checked on during the irrigation season to insure that the from land does not continue to receive water.
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: \_\_\_\_\_



9. Are there other issues not identified through the above questions? ☒ Yes ☐ No If "Yes", explain: I have received numerous complaints from residents that live in the vicinity. The complaints center around illegal use and additional pumps being placed in Hawn Creek Reservoir.
10. What alternatives may be available for addressing any issues identified above: These issues will have to be addressed by field work during the irrigation season.
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

<b>Measurement Devices</b>	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
<b>Headgates</b>	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

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



## FINAL PROOF SURVEY UNDER

Supp. Primary

R 34388 R 2570  
Application No. 34389 Permit No. 27097  
IN NAME OF

*HAWN CREEK DIST. IMPROVEMENT CO.*

Surveyed April 12, 1967, by V. GARNER



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

May 16, 2007

GARELD JOHNSON  
8000 NE GUN CLUB ROAD  
CARLTON OR 97111

Reference: Transfer 10334

Enclosed is a copy of the superseding and approving final order for your water right transfer application.

This order has been issued to correct a scrivener's errors in the original order.

If you have any questions regarding this document, please contact the transfer section at 503-986-0883.

Sincerely,

Sarah Henderson  
Executive Support

cc: Watermaster #16

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	SUPERSEDING FINAL ORDER
T-10334, Yamhill County	)	APPROVING A TEMPORARY
	)	CHANGE IN PLACE OF USE

**Authority**

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

Gareld Johnson  
8000 NE GUN CLUB ROAD  
CARLTON OR 97111

**Findings of Fact**

1. On March 9, 2007, Gareld Johnson filed an application to temporarily change the place of use under Certificate 34739 for a period of four years. The Department assigned the application number T-10334.
2. On April 17, 2007, the applicant submitted a revised map and application identifying 25.6 acres proposed to be transferred.

3. The portion of the first right to be transferred is as follows:

**Certificate:** 34739 in the name of Hawn Creek District Improvement Co. (perfected under Permit S-27097)

**Use:** IRRIGATION of 25.6 ACRES

**Priority Date:** SEPTEMBER 28, 1960

**Rate:** 0.32 CUBIC FOOT PER SECOND (cfs)

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** HAWN CREEK, tributary to YAMHILL RIVER

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	4 W	WM	11	NW NE	44	580 FEET NORTH AND 590 FEET WEST FROM THE MOST EASTERLY SE CORNER OF DLC 44

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	2	SW NW	Cary DLC 44	0.8
4 S	4 W	WM	2	SE NW	Cary DLC 44	24.8

4. Transfer Application T-10334 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	2	NE NW	Cary DLC 44	1.0
4 S	4 W	WM	2	NW NW	Cary DLC 44	1.0
4 S	4 W	WM	2	SW NW	Cary DLC 44	20.3
4 S	4 W	WM	2	SE NW	Cary DLC 44	3.3

5. Notice of the application for temporary transfer was published on March 20, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. On April 20, 2007, the Department issued a Final Order for the temporary transfer, recorded at Special Order Volume 71, Pages 583-585. Shortly following issuance of the order the Department was notified of an error, being the inclusion of language related to point of diversion conditions. This temporary transfer did not propose changes to the point of diversion and should not have included this language.
7. This order is issued to supersede the previous order recorded at Special Order Volume 71 Pages 583 to 585, to correct the error by removing reference to conditions for a point of diversion change.
8. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.



### Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-10334 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### Now, therefore, it is ORDERED:

1. The order record at Volume 71, Pages 583-585 is superseded and of no further force or effect.
2. The change in place of use proposed in application T-10334 is approved.
3. The former place of use **shall not** be irrigated as part of this water right during the 2007, 2008, 2009, and 2010 irrigation seasons.
4. The use shall revert to the authorized place of use at the end of the 2010 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. A subsequent application for permanent transfer of Certificate 34739 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 34739.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. The use of the remaining water right described by Certificate 34739 shall continue to be in accordance with the terms and conditions of Certificate 34739.

Dated at Salem, Oregon this 4<sup>th</sup> day of May 2007.

  
for Phillip C. Ward, Director

Mailing Date: MAY 17 2007

# Water Right Transfer Completion Checklist

Temp

T-10334

Transfer Specialist: Sue

## Water Rights Affected

App File No.	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
s-34389	s-27097	34739	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	na/temp

## Copies Needed

Watermaster District: #16, Mike McCord

CWRE No.: NA/temp

Irrig Dist Name/Address: NA

Commentors Name/Address: NA

## Preliminary Determination

- |  |   |
|--|---|
| <input type="checkbox"/> Electronic Files uploaded | <input type="checkbox"/> File Folder updated        |
| <input type="checkbox"/> Preliminary Determination |   |
| <input type="checkbox"/> PD Cover letter           | <input type="checkbox"/> Fee Refund Due             |
| <input type="checkbox"/> Public Notice             | <input type="checkbox"/> Newspaper Notice, required |
| <input type="checkbox"/> Remaining Rights          |   |

Comments/Special Issues:

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____ Date: _____	Reviewer: _____ Date: _____	Reviewer: _____ Date: _____
Coordinator: _____ Date: _____	Coordinator: _____ Date: _____	Coordinator: <u>ALP</u> Date: <u>4/18/07</u>

Comments/Special Issues: Initial notice 3-20.

Special Order Volume: 71, Pages 583

Final Order Signature Date: 4/20/07

☒ WRIS clone correction needed



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

April 20, 2007

Gareld Johnson  
8000 NE GUN CLUB ROAD  
CARLTON OR 97111

Reference: Temporary Transfer 10334

Enclosed is a copy of the order approving your temporary water right transfer application.

The change shall be effective at the end of the 2007 irrigation season. The use shall revert to the authorized place of use at the end of the 2010 irrigation season.

Sincerely,

for Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Mike McCord, Watermaster #16

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10334, Yamhill County	)	TEMPORARY CHANGE IN PLACE OF
	)	USE

**Authority**

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

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8000 NE GUN CLUB ROAD  
CARLTON OR 97111

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3. The portion of the first right to be transferred is as follows:

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**Source:** HAWN CREEK, tributary to YAMHILL RIVER

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**Authorized Point of Diversion:**

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**Authorized Place of Use:**

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4 S	4 W	WM	2	SE NW	Cary DLC 44	24.8

4. Transfer Application T-10334 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	2	NE NW	Cary DLC 44	1.0
4 S	4 W	WM	2	NW NW	Cary DLC 44	1.0
4 S	4 W	WM	2	SW NW	Cary DLC 44	20.3
4 S	4 W	WM	2	SE NW	Cary DLC 44	3.3

5. Notice of the application for temporary transfer was published on March 20, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

**Conclusions of Law**

The temporary change in place of use proposed in Temporary Transfer Application T-10334 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.


**Now, therefore, it is ORDERED:**

- The change in place of use proposed in application T-10334 is approved.
- The former place of use **shall not** be irrigated as part of this water right during the 2007, 2008, 2009, and 2010 irrigation seasons.



3. The use shall revert to the authorized place of use at the end of the 2010 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 34739 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 34739.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Prior to diverting of water at the new point of diversion, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department
9. The use of the remaining water right described by Certificate 34739 shall continue to be in accordance with the terms and conditions of Certificate 34739.

Dated at Salem, Oregon this 20<sup>th</sup> day of April 2007.

  
\_\_\_\_\_  
Phillip C. Ward, Director

Mailing Date: APR 23 2007

STATE OF OREGON  
COUNTY OF      YAMHILL  
**CERTIFICATE OF WATER RIGHT**

**This Is To Certify, That**      HAWN CREEK DISTRICT IMPROVEMENT COMPANY

of Route 2, Box 182, McMinnville, 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 Hawn Creek and Hawn Creek Reservoir constructed under Application No. R-34388, a tributary of Yamhill River      Permit No. R-2577 for the purpose of irrigation of 160.0 acres and supplemental irrigation of 23.6 acres under Permit No. 27097 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 September 28, 1960

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 2.30 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 NW $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Cary DLC 44, Section 11, T. 4 S., R. 4 W., W. M. Diversion point located 580 feet North and 590 feet West from the most easterly Southeast Corner DLC 44.

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 from direct flow 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 from direct flow and storage from reservoir constructed under Permit No. R-2570 and to the use of stored water only on the lands described as supplemental;

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:

Supplemental	Primary
From Reservoir only	From Reservoir and Stream
5.0 acres	0.4 acre Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ )
0.4 acre	0.1 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Cary DLC 44
	5.4 acres Lot 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ )
	0.7 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Cary DLC 44
	7.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Millican DLC 43
	0.8 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Millican DLC 43
0.7 acre	0.2 acre NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Cary DLC 44
	0.8 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Cary DLC 44
	24.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Cary DLC 44
	0.3 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Millican DLC 43
	0.3 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Millican DLC 43
	27.3 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Cary DLC 44
	Section 2

from  
25.6

0.0125  
32 on temp

T-8281 T8279 T7911 T7818

Supplemental

Primary

From Reservoir only From Reservoir and Stream

34.8 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	as projected within Cary DLC 44
6.1 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$	as projected within Cary DLC 44
8.3 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	as projected within Cary DLC 44
5.8 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Millican DLC 43
24.4 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Millican DLC 43
2.3 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Millican DLC 43

Section 2

4.5 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Cary DLC 44
6.3 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Cary DLC 44
6.7 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	as projected within Cary DLC 44
8.2 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	as projected within Cary DLC 44

Section 11

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

Temp T 8281  
V53 P897

Temp T-7911  
V52 P259

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

Temp T-7818  
V51 P1077

WITNESS the signature of the State Engineer, affixed

this 29 day of March, 1968.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34739

# TRANSFER CHECK OFF LIST

TRANSFER FILE #

10334

DATE RECEIVED

3-9-07

DATE MONEY SLIPPED

3-9-07

DATE RECEIPTED

3-9-07

VALID WATER RIGHT?

X Yes        No

TEMP ALT AC

IRR DIST       

PERM AMEND       

DIV 15       

TEMP Div 15

ISWR       

LETTER FROM ATTORNEY

       YES (PUT INFO ON FRONT COVER)

X NO

FOLDER FILLED OUT\*

yes

ENTERED IN DB

yes

CONTENTS MARKED

yes

COLOR CODED

X Yes

4 COPIES MADE & STAMPED

yes

CERTIFICATE MARKED

yes

CERTIFICATE COPIED

yes

PULL APPLICATIONS

yes

APP FOLDER MARKED

yes

FINAL PROOF MAP COPIED

yes

PERMIT MARKED

no

PERMIT COPIED

PERMIT MAP COPIED

DECREE MARKED

DECREE COPIED

ADJUDICATION MAP COPIED

ENTRIES CHECKED

CHECKED BY        INIT FOLDER       

PUBLIC NOTICE DATE

3-20-07 (PREPARED & COPIED) yes

LETTER SENT

yes Irrigation District no (copy of app & map)

COPY TO WM

yes

COPY TO WM

yes

COPY TO GW

no

COPY TO GW

no

COPY TO CWRE

no

LETTER TO ODFW

yes

TRANSFER SENT TO:

Susan SW --- NCR --- SCR --- BR

Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his  
POA, APOA, or [SW TO GW ONLY(as POD)]

Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

34 35  
3 2

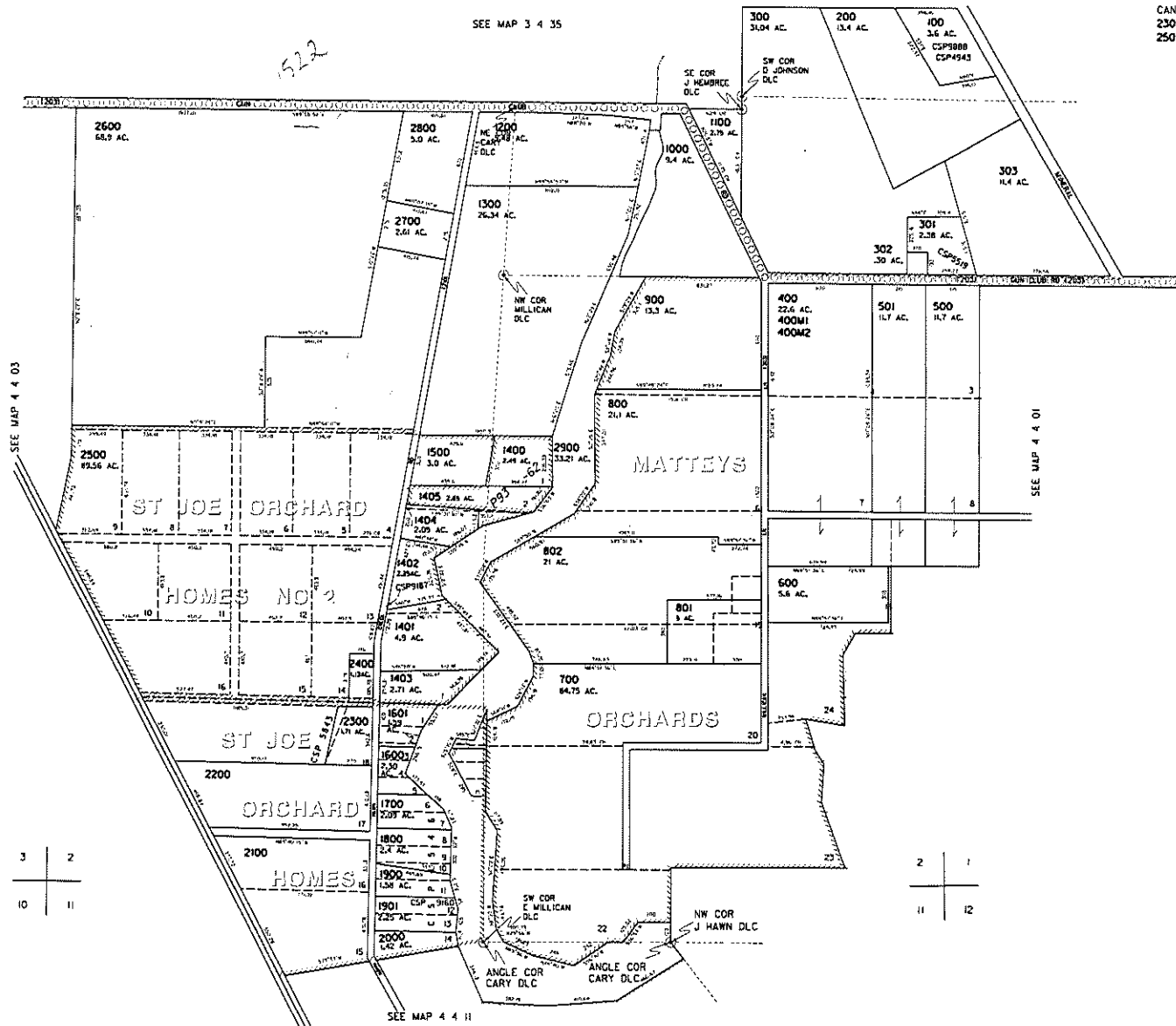
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SECTION 2 T4S R4W W.M.  
YAMHILL COUNTY  
1" = 400'

35 36  
2 1

4 4 02

CANCELLED  
2301  
2501



3 2  
10 11

2 1  
11 12

4 4 02





Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem Oregon 97301-1266  
(503) 986-0900  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

# COPY

## Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

### 1. TYPE OF TRANSFER APPLICATION

Please check one

☐ Permanent Transfer

☒ Temporary Transfer

• total number of years: 4  
(begin year: 2007)  
(end year: 2010)

☐ Instream Transfer

☐ Permanent

☐ Time-Limited

☐ Drought Transfer

☐ Other

### 2. APPLICANT INFORMATION

Name: Gareld Johnson  
First Last

Address: 8000 NE Gon Creek Rd

Carlton Oregon 97111  
City State Zip

Phone: 503-472-9719 503-472-7344 503-434-2193  
Home Work Other

Fax: 503-472-9219 E-Mail address: gjohnson@macnet.com

### 3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: N/A  
First Last

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

▪ If an agent is listed above, please check one of the following:

☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or

☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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Last revised: 1/4/2007

WATER RESOURCES DEPT  
SALEM, OREGON

Transfer Application/1

FS

■ Certificate Number or other identifying number: 34739

*Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.*

**Location of Proposed Place of Use:** (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

amended

Remarks:

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SALEM, OREGON

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MAR 09 2007

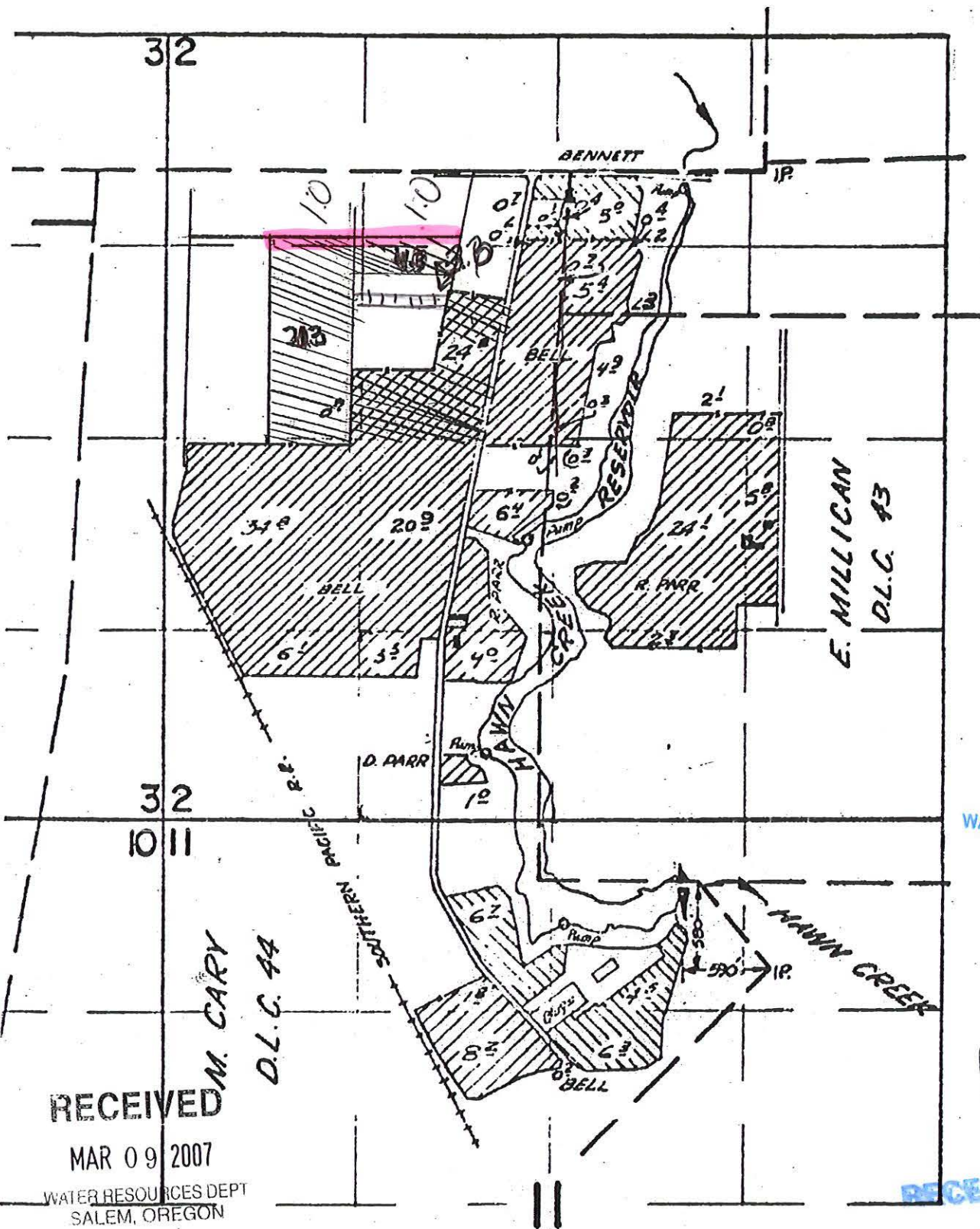
WATER RESOURCES DEPT  
SALEM, OREGON

- 6 -

Description of Proposed Change(s) to a Water Right



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



1.4

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SALEM, OREGON

*amended*

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APR 17 2007

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SALEM, OREGON

T 10334

Transfer 2

Transfer from



of  
ice  
at

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**APR 17 2007**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**



to a point on the center line of Hawn Creek, said point being referenced by a 3/4" iron pipeset back on line 100 feet and a 3/4" iron pipe set back on line 200 feet; thence meandering the center line of Hawn Creek as follows: South 11° 33' 40" East 155.23 feet; South 10° 36' 53" East 107.69 feet; South 28° 59' 27" West 111.15 feet; South 4° 11' 46" East 102.80 feet; South 46° 45' 33" West 115.11 feet; South 4° 30' 10" West 72.60 feet; South 4° 49' 02" West 100.02 feet; South 18° 46' 28" West 103.59 feet; South 19° 12' 04" East 110.68 feet; South 29° 11' 19" West 74.79 feet to a point which is also the Northwest corner of United States Farm Security Administration Wirth Tract No. 7; South 23° 10' 53" West 250.73 feet; South 7° 53' 42" West 234.94 feet; South 25° 29' 03" West 204.15 feet; South 7° 26' 10" West 212.79 feet; South 18° 22' 30" West 51.36 feet to a point on the North line of the George and Myrtle Steinmeyer property, said point being referenced by two 3/4" iron pipes set North 39° 54' 11" West 100 feet and 200 feet; thence North 89° 54' 11" West 1850.90 feet along the line common with the Steinmeyer property and the W.B. Bergen property to a point marked by a 3/4" iron pipe; thence North 0° 09' 29" East 535.00 feet along the line common with United States Farm Security Administration Farm Unit No. 43 to a point marked by a 3/4" iron pipe; thence South 89° 54' 11" East 560.74 feet along the line common with Farm Unit No. 43 to a point marked by a 3/4" iron pipe; thence North 10° 22' 00" East 569.13 feet along the line common with Farm Unit No. 43 to a point marked by a 3/4" iron pipe; thence South 80° 07' 19" East 415.74 feet along the line common with the William Eborall property to a point marked by a 3/4" iron pipe on the center line of the county road; thence North 9° 55' 18" East 877.00 feet along the center line of the county road to a point of beginning.

PARCEL 2: All of Lots numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 in St. Joe Orchard Homes No. 2 in Yamhill County, Oregon, together with vacated roadway lying South of Lots 14, 15 and 16.

SAVING AND EXCEPTING therefrom that portion of Lot 14 and that portion of vacated street lying to the South thereof, conveyed to Lloyd White and Sylvia White by deed recorded December 3, 1953 in Book 171, Page 701, Deed Records.

PARCEL 3: A tract of land in Section 2, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being that tract previously platted as Lot 18 of St. Joe Orchard Homes No. 1, according to the duly recorded plat thereof, recorded in Book 3, page 49, Deed Records of Yamhill County, Oregon.

SAVINGS AND EXCEPTING THEREFROM that portion more particularly described as follows:

Beginning at a point in the center of County Road #201 and at the Southeast corner of Lot 18 in St. Joe Orchard Homes No. 1, Yamhill County, Oregon; thence North along the center of said County Road #201 to a point which is 30 feet South of the South line of that tract conveyed to Lloyd White, et ux, by deed recorded December 3, 1953 in Book 171, page 701, Deed Records; thence South 89° 40' 15" West and parallel with the South line of said White tract, 213 feet, more or less, to a point of intersection with a line running from the Southwest corner of that tract conveyed to Ronald Powell, et ux, by deed recorded February 13, 1970 in Film Volume 78, page 1184, Deed and Mortgage Records, to a point which is 4 feet South 89° 40' 15" West of the Northwest corner of said White tract; thence Southwesterly to the Southwest corner of said Powell tract; thence East along the South line of said Powell tract to the place of beginning.

ALSO: that certain water line easement owned by grantor across the North 30 feet of premises described in deed recorded in Film 19, page 630, Yamhill County Deed Records.

SUBJECT TO rights of the public in streets, roads and highways, any taxes resulting from disqualification for farm use assessment, reservations in Book 124, Page 360 and easement in Book 166, Page 581, Yamhill County Deed Records, and any assessments of the Hawn Creek Improvement Co., an Oregon Corporation.

WATER RESOURCES DEPT  
SALEM, OREGON

APR 17 2007

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KNOW ALL MEN BY THESE PRESENTS, That GERALDINE BELL, also known as GERALDINE I. BELL,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by

GARELD L. JOHNSON

hereinafter called

the grantor, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with its tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Yamhill and State of Oregon, described as follows, to-wit:

PARCEL 1: That portion of the following described property lying westerly of and adjacent to the north line of County Road No. 201:

A part of the Miles Carey Donation Land Claim #46, and of the Elijah Hillican Donation Land Claim #43, and being in Section 2, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at a point marked by a 2" iron pipe at the intersection of a county road and the north line of the Miles Carey Donation Land Claim, which is also the South line of the J.J. Hembree Donation Land Claim #69, Notification #1527, from which point the Southeast corner of the J.J. Hembree Donation Land Claim is South 89° 55' 52" East 1574.08 feet; thence South 89° 55' 52" East 1024.80 feet along the South line of the J.J. Hembree Donation Land Claim;

CONTINUED ON REVERSE:

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

except as above set forth,

and that

grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$140,000.00

~~XXXXXX~~ (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof the grantor has executed this instrument this 13 day of May, 1975; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors

Geraldine I. Bell  
Geraldine I. Bell

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,

County of Yamhill ss.  
May 13, 1975.

Personally appeared the above named

GERALDINE I. BELL,

acknowledged the foregoing instrument to be her voluntary act and deed



Notary Public for Oregon  
My commission expires 10-1-76

STATE OF OREGON, County of Yamhill ss.

Personally appeared

and each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

GERALDINE I. BELL

Rt. 2, Box 182

McMinnville, Oregon 97128

GRANTOR'S NAME AND ADDRESS

GARELD L. JOHNSON

GRANTEE'S NAME AND ADDRESS

After recording, return to:

TO: (ADDRESS, ZIP)

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WATER RESOURCES DEPT  
SALEM, OREGON

NAME, ADDRESS, ZIP

T 10334

35508

STATE OF OREGON,

County of Yamhill ss.

I certify that the within instrument was received for record on the 15 day of May, 1975, at 3:22 o'clock P.M., and recorded in book 105 on page 1706 or its file/reel number. Record of Deeds of said county.

Witness my hand and seal of County affixed.

WANDA GATT, COUNTY CLERK

Recording Officer

By [Signature] Deputy



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **86574**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: B & G Farms

BY: \_\_\_\_\_

CASH: ☐ CHECK: # 2023 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

APPLICATION \_\_\_\_\_

PERMIT \_\_\_\_\_

TRANSFER T-10334

TOTAL REC'D \$ 200.80

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_

OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_

0410 RESEARCH FEES \$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_

0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER \$ \_\_\_\_\_

0203 GROUND WATER \$ \_\_\_\_\_

0205 TRANSFER \$ 200.80

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_

LANDOWNER'S PERMIT \$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**RECEIVED  
OVER THE COUNTER**

**EXAM FEE**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ 200.80

**EXAM FEE**

\$ \_\_\_\_\_

**RECORD FEE**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**LICENSE FEE**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_

0210 MONITORING WELLS \$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

CARD # \_\_\_\_\_

CARD # \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \$ \_\_\_\_\_

RECEIPT: **86574**

DATED: 3/9/07 BY: L. Partridge



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF TRANSFER APPLICATION

Please check one

☐ Permanent Transfer

☒ Temporary Transfer

• total number of years: 4  
(begin year: 2007)  
(end year: 2011)

☐ Instream Transfer

☐ Permanent

☐ Time-Limited

☐ Drought Transfer

☐ Other

## 2. APPLICANT INFORMATION

Name: Gareld Johnson  
First Last

Address: 8000 NE Gun Club Rd  
Carlton Oregon 97111  
City State Zip

Phone: 503-472-9719 503-472-7344 503-434-2193  
Home Work Other

Fax: 503-472-9719 E-Mail address: gjohnson@macnet.com

## 3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: N/A  
First Last

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

▪ If an agent is listed above, please check one of the following:

☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or

☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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WATER RESOURCES DEPT  
SALEM, OREGON



#### 4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: (*Attach additional pages as necessary.*)

	Application / Decree	Permit / Previous Transfer	Certificate
1.	R-34388	R-2570	34739
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:

- ☒ Place of Use      ☐ Point of Diversion      ☐ Additional Point of Diversion  
☐ Character of Use      ☐ Point of Appropriation      ☐ Additional Point of Appropriation  
☐ Instream Transfer      ☐ Surface Water source to Ground Water source

- Reason(s) for change(s): irrigation of a crop <sup>for</sup> rotation

#### 5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system or the system that **was in place** at some time within the last 5 years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

330 gal, per minute pump, 6" x 4" main  
50 To 60 sprinklers

- System capacity: .74 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

330 gal, per minute

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I 10334

MAR 09 2007

## 6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has not been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

## 7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

*If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:*

---

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- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

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## 8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

*If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:*

Names of Current Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☐ Yes

☒ No

☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

*If "No", provide the following information:*

Names of Receiving Landowner(s): Robert Johnson  
First Last

Address: 8300 NE Gon Cloh Rd

Carlton Oregon 97111  
City State Zip

- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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## 9. ATTACHMENTS

Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.

### Supplemental Form A –

#### Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

### Supplemental Form B –

#### Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☐ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

### Map

- ☐ *Water Right Transfer*  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☒ *Temporary Transfer or Historical POD Change*  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

### Water Well Report(s)/Well Log(s):

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☒ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

### Land Use Information Form:

- ☐ Enclosed; *or*
- ☒ Not Required if all of the following are met:
- ① In EFU zone or irrigation district,
  - ② Change in place of use only,
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ④ Irrigation only.

### Fees:

- ☐ Amount enclosed: \$ \_\_\_\_\_  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

### Instream Water Right Transfers, also include:

### Supplemental Form C –

#### Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

### Temporary Transfers, also include:

### Recorded Deed:

- ☒ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

### Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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WATER RESOURCES DEPT  
SALEM, OREGON

Last revised: 1/4/2007

T 10334

Transfer Application/5

FS



**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

**10. SIGNATURES**

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

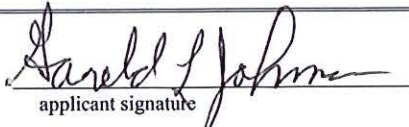
☐ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (*NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

▪ I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	<u>Gareld L Johnson</u> name (print)	<u>3-9-07</u> date
 applicant signature	 name (print)	 date

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WATER RESOURCES DEPT  
SALEM, OREGON

Last revised: 1/4/2007

Transfer Application/6

FS

## Water Right Transfer Supplemental Form A

### DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.


Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 34739

### 1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	Proposed new use: <input checked="" type="checkbox"/> <b>Irrigation</b> <input type="checkbox"/> <b>Municipal</b> <input type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</b> _____  <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)



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## 2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input type="checkbox"/> Certificated Right	34739 <small>Certificate Number</small>	R-34388 <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Non-certificated Right	 <small>Name of Decree</small>	 <small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	 <small>Permit Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>
<input type="checkbox"/> Transferred Right for which Proof has been Filed	 <small>Previous Transfer Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>

- Name on Permit, Certificate, or Decree: Hawn Creek District Improvement Company
- County: Yamhill
- Authorized Use(s) to be Affected by Transfer: N/A
- Priority Date(s): Sept 28 1960

*If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Hawn Creek

Tributary to: Yamhill River

*If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

### For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes    ☒ No    ☐ N/A – No Change in Place of Use or Character of Use

*If "Yes", what are the Permit, Registration or Certificate Numbers?* \_\_\_\_\_

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

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▪ Certificate Number or other identifying number: 34739

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	9-28-1960	45	4W	W	M	NW NE	44	

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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Supplemental Form A

- 3 -

Description of Proposed Change(s) to a Water Right

T 10334



■ Certificate Number or other identifying number: 34739

*The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.*

**Location of Existing Authorized Place of Use to be Affected:**

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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■ Certificate Number or other identifying number: 34739

### 3. PROPOSED CHANGES TO THE WATER RIGHT

*Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.*

#### **Location of Proposed Point(s) of Diversion or Appropriation:**

(i.e., the "TO" point(s) of diversion or appropriation)

☒ N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

*If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

*If "No", describe the anticipated construction for the proposed well(s) in the following table:*

#### **Construction of Proposed Point(s) of Appropriation or Well(s)**

*Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.*

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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▪ Certificate Number or other identifying number: 34 739

*Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.*

**Location of Proposed Place of Use:** (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)

[illegible]

T 10334

Remarks: \_\_\_\_\_

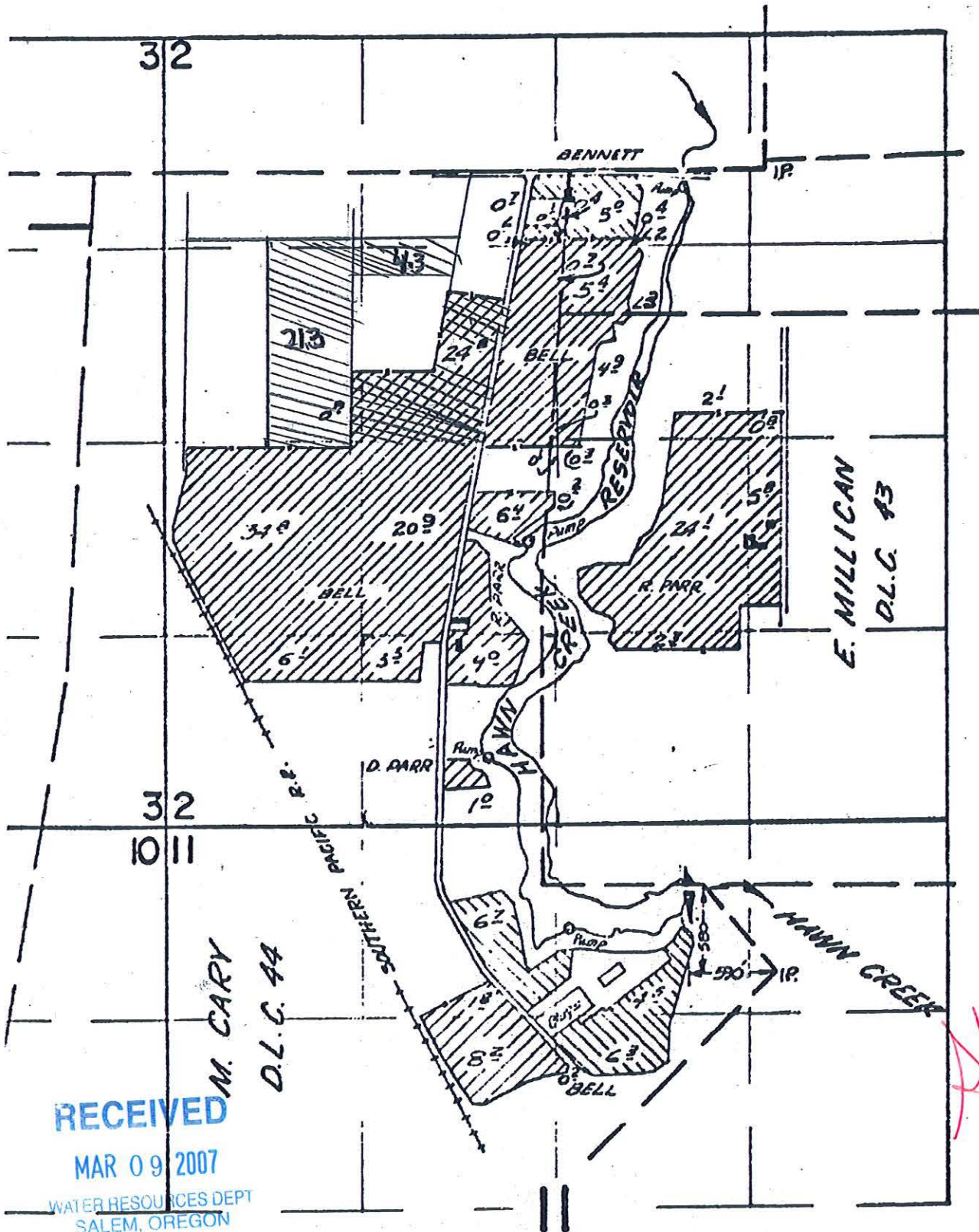
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Supplemental Form A



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



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T 10334

## Transfer

Transfer from





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OREGON

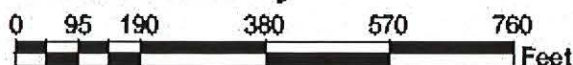
USDA USDA  
Farm Service Agency

**Yamhill County**

**Tract: 8942 Owner: Robert C Johnson RLT & Bertha E Johnson RLT**



3/31/06 - DG - 2005 Photo



This acreage is for FSA program purposes only. No warranty is made for any other use.

- Legend**
- Tract Boundary
  - Wetland Determination

T 10334



**Water Right Transfer Supplemental Form B**  
**AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 County of Yamhill ) ss

I, Gareld Johnson, in my capacity as Ower,  
 mailing address 8000 NE Gun Club Rd Carlton  
 telephone number (503) 472-9719, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: \_\_\_\_\_; **or**
- ☒ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- ☒ Personal observation                      ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
4	S	4	W	W	M	SW NW	44	.8
4	S	4	W	W	M	SE NW	44	24.8

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(continues on reverse side)

**Please print legibly or type.** Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

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SALEM, OREGON

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

growing Spring oats

5. The water delivery system used to apply water as authorized by the right is described below:

330 gal per minute pump, 6" & 4" mainline  
50 To 60 sprinklers

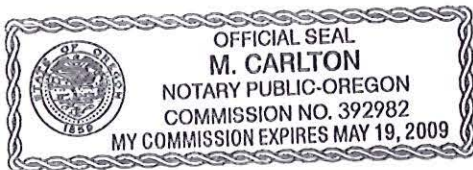
6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☒ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number \_\_\_\_\_,
- ☐ Other: \_\_\_\_\_

Harold P. Johnson  
Signature of Affiant

3-9-07  
Date

Signed and sworn to (or affirmed) before me this 9th day of March, 2007.

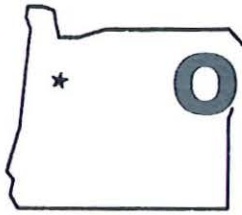


M. Carlton

Notary Public for Oregon

My Commission Expires: 5/19/2009

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.



# OREGON SEED & GRAIN, INC.

2870 Miners Way SE • Salem, Oregon 97306  
Tel: 503-589-8081 • Fax: 503-589-8083

*December*  
November 19, 2006

To: B & G Farms

Re: Kanota Oats Y16-6-KNO-5 - 24,000#  
Y16-6-KNO-4 - 30,534#

---

Total            54,534# @ \$11.50   \$6,271.41

*Received  
12-20-06  
ED*

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FOR RESOURCES DEPT  
SALEM OREGON

10334