

Johnson

T-10441

T-10441

Name Ralph & Norma JohnsonAddress 16705 NE Chehalem Drive
Newberg, OR 97132
503-538-5274Change in POLDate Filed 8-7-07Initial notice date 8-14-07

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 12-13-07 Vol 73 Page 793C-Date 10-1-09COBU due date 10-1-2010COBU Received date 11/4/2009 letter mailedCertificate issued 6/21/2013 - 88012
83564

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Unnamed Stream/ReservoirTrib. of Chehalem CreekUse Irrigation/Stock County Yamhill

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App # S-37060 Per # S-27573 Cert # 33886 PR Date 1961

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>8/7/07</u>	<u>400.00</u>	<u>8-89084</u>

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

Assignments: _____

_____Irrigation District NONE/Yamhill Co. Dept of Planning & Development 535 NE Fifth St. McMinnville, OR. 97128Agent John Borden : 5597 River St West Linn, OR. 97068CWRE John Borden #372

CC's list _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT #

89084

INVOICE #

RECEIVED FROM:

BY:

CASH:

CHECK:#

OTHER: (IDENTIFY)

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ 400.00

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:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$ 400.00

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY

0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD #

0210

MONITORING WELLS

\$

CARD #

OTHER

(IDENTIFY)

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:

89084

DATED:

7-7-07

BY:

[Signature]

T. 3S. R3W., W.M.

SECTION I
YAMHILL COUNTY

PROPOSED TO LANDS

IN THE NAME OF

Ralph E. Johnson



SCALE: 1" = 400'

NWNE

NENE

CHEHALEM

DRIVE

0.10 Ac

0.25 Ac

0.25 Ac

TL 400

SWNE

SENE

TL 505

TL 603

NWSE

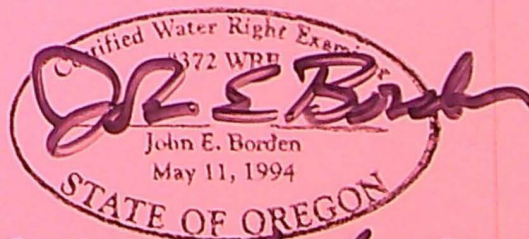
TL 506

NESE

(TL 505)

DRIVE

TL 600

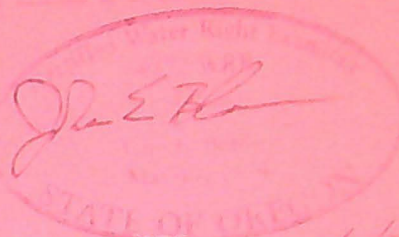


EXP. 12/31/2007

RECEIVED

NOV 04 2009

WATER RESOURCES DEPT
SALEM, OREGON



NOTE

THE POINT OF DIVERSION
FROM THE RESERVOIR IS 200
FEET SOUTH AND 825 FEET
EAST FROM THE NW CORNER
OF THE A. WELCH DLC 68

SCALE:
1" = 400'

NW Corner
of A. Welch
DLC 68 is the
Point of
Beginning of
Survey

Reservoir
C-33885
(Stream
Ends)

Pump
(No Meter
Required)

0.25 Ac

0.10 Ac

0.25 Ac

P.O.U. - PLACE OF IRRIGATION USE
WATER USE ACREAGE

SECTION 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 0.10 AC
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 0.25 AC
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 0.25 AC
TOTAL = 0.60 AC

LEGEND



P.O.U.

USGS GRID

DLC

TAXLOT LINE

ROADWAY

WATER DISTRIBUTION

EXISTING STRUCTURE

PROPOSED STRUCTURE

VALVE AND FAUCET

SECTION CORNER

PREPARATION OF THIS
MAP IS FOR THE
PURPOSE OF IDENTIFYING
THE LOCATION OF THE
WATER RIGHT ONLY.
THERE IS NO INTENT TO
PROVIDE DIMENSIONS OR
LOCATION OF PROPERTY
OWNERSHIP LINES.

SURVEY MAP

AND CLAIM OF BENEFICIAL USE UNDER
TRANSFER NO. T-10441

IN THE NAME OF

RALPH AND NORMA JOHNSON

FOR

A CHANGE IN PLACE OF USE FOR IRRIGATION
FROM A RESERVOIR (CERTIFICATE 33885),
TRIBUTARY TO CHEHALEM CREEK
SURVEYED SEPTEMBER 22, 2009
BY JOHN E. BORDEN, CWRE

JOHN BORDEN
CONSULTING

5597 RIVER STREET
503-723-4257
WEST LINN, OR 97068

IRRIGATED LANDS

IN SECTION 1 OF T.3S. R.3W., W.M.
YAMHILL COUNTY, OREGON.

SURVEYED FOR: Ralph and Norma Johnson

SCALE: 1" = 400'

DRAWN: CRW

10/25/09

FILEPATH & NAME:

D:\Johnson_WR_102509-JEB-10-25-2009.dwg

Units: CFS

Priority: 09/05/1961

Use: IR

Pod #1: 3.00 S 3.00W 1 SWNE DLC68

Pod #2: 3.00 S 3.00W 1 SWNE DLC68

Use: LV

Pod #1: 3.00 S 3.00W 1 SWNE DLC68

Pod #2: 3.00 S 3.00W 1 SWNE DLC68

Column Totals:

Primary + Supplemental:

Parent - Children (Primary)

Parent - Children (Supplemental)

Parent - Children (Primary + Supplemental)

Xfer Filed: T 10441 RR (REG)
 Loc/Use Max Primary Supplmntl

Xfer Filed: T 10441 CF (REG)
 Loc/Use Max Primary Supplmntl

Row Totals	
Primary	Supplmntl
1	2
3	4
5	6
7	8
9	10
11	12
13	14
15	16
17	18
19	20
21	22
23	24
25	26
27	28
29	30
31	32
33	34
35	36
37	38
39	40
41	42
43	44
45	46
47	48
49	50
51	52
53	54
55	56
57	58
59	60
61	62
63	64
65	66
67	68
69	70
71	72
73	74
75	76
77	78
79	80
81	82
83	84
85	86
87	88
89	90
91	92
93	94
95	96
97	98
99	100

Cert:33886 OR *

0.010000 | 0.010000

0.01

0.01

0.020000 | 0.010000

0.01

0.010000 | 0.010000

0.01

0.01

0.020000 | 0.010000

0.01

0.010000 | 0.010000

0.01

0.010000 | 0.010000

0.01

0.01

0.01

0.01

0.01

0.02

0.02

0.02

0.02

0.00

0.00

0.00

Priority: 09/05/1961

Use: IR

3.00 S 3.00W 1 NENE DLC68
3.00 S 3.00W 1 SWNE DLC68
3.00 S 3.00W 1 SENE DLC68
3.00 S 3.00W 1 NESE DLC43

Use: LV

3.00 S 3.00W 1 NENE DLC68
3.00 S 3.00W 1 SENE DLC68

Column Totals:

Primary + Supplemental:

Parent - Children (Primary)	0.00
Parent - Children (Supplemental)	0.00
Parent - Children (Primary + Supplemental)	0.00

Xfer Filed: T 10441 RR (REG)
Primary Supplementl

Xfer Filed: T 10441 CF (REG)
Primary Supplementl

Totals
Primary Supplementl

Cert:33886 OR *
Primary Supplementl

0.10
0.25
0.25

0.10
0.25
0.25

0.60

0.60

0.60

0.60

0.60

0.60

0.60

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RALPH E. & NORMA JOHNSON
16705 NE CHEHALEM DR
NEWBERG OR 97132

confirms the right to use the waters of UNNAMED STREAM and RESERVOIR CONSTRUCTED UNDER PERMIT R-2663, tributaries to CHEHALEM CREEK for IRRIGATION of 0.6 ACRE.

This right was perfected under Permit S-27573. The date of priority is SEPTEMBER 5, 1961. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.01 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
3 S	3 W	WM	1	SW NE		68	200 FEET SOUTH AND 750 FEET EAST FROM NW CORNER, A WELCH DLC 68

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 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 R-2663.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 S	3 W	WM	1	NE NE		68	0.10
3 S	3 W	WM	1	SW NE		68	0.25
3 S	3 W	WM	1	SE NE		68	0.25

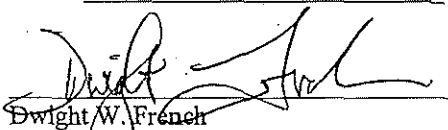
This certificate is issued to confirm a CHANGE IN PLACE OF USE approved by an order of the Water Resources Director entered December 13, 2007, at Special Order Volume 73, Page 793, approving Transfer Application 10441, and together with Certificate 83564, supercedes Certificate 33886, State record of Water Right Certificates.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued JUN 21 2013

A handwritten signature in dark ink, appearing to read "Dwight W. French", is written over a horizontal line.

Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director

RECEIVED

NOV 10 1 2009

YAMHILL COUNTY, OREGON

John E. Borden

36 31
1 6



NOTE:

THE POINT OF DIVERSION
FROM THE RESERVOIR IS 200
FEET SOUTH AND 825 FEET
EAST FROM THE NW CORNER
OF THE A. WELCH DLC 68

SCALE:

1" = 400'

NW Corner
of A. Welch
DLC 68 is the
Point of
Beginning of
Survey

Reservoir
C-33885
(Stream
Ends)

Pump
(No Meter
Required)

0.10 Ac
0.25 Ac
0.25 Ac

P.O.U. - PLACE OF IRRIGATION USE
WATER USE ACREAGE

SECTION 1

NE ¼ NE ¼ - 0.10 AC
SW ¼ NE ¼ - 0.25 AC
SE ¼ NE ¼ - 0.25 AC
TOTAL = 0.60 AC

TL 400

PREPARATION OF THIS
MAP IS FOR THE
PURPOSE OF IDENTIFYING
THE LOCATION OF THE
WATER RIGHT ONLY.
THERE IS NO INTENT TO
PROVIDE DIMENSIONS OR
LOCATION OF PROPERTY
OWNERSHIP LINES.

LEGEND

- P.O.U.
- USGS GRID.
- DLC
- TAXLOT LINE
- ROADWAY
- WATER DISTRIBUTION
- EXISTING STRUCTURE
- PROPOSED STRUCTURE
- VALVE AND FAUCET
- SECTION CORNER

SURVEY MAP

AND CLAIM OF BENEFICIAL USE UNDER
TRANSFER No. T-10441
IN THE NAME OF
RALPH AND NORMA JOHNSON
FOR

A CHANGE IN PLACE OF USE FOR IRRIGATION
FROM A RESERVOIR (CERTIFICATE 33885),
TRIBUTARY TO CHEHALEM CREEK
SURVEYED SEPTEMBER 22, 2009
BY JOHN E. BORDEN, CWRE

JOHN BORDEN
CONSULTING

3597 RIVER STREET
303-723-4257
WEST LINN, OR 97146

IRRIGATED LANDS

IN SECTION 1 OF T.3S. R.3W., W.M.
YAMHILL COUNTY, OREGON.

SURVEYED FOR: Ralph and Norma Johnson

SCALE: 1" = 400'

DRAWN: CRW

10/25/09

FILEPATH & NAME:

D:\Johnson_WR_102509-JEB-10-25-2009.dwg



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed: JUN 21 2013

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Transfer Certificate

Application: T-10441

Certificate: 88012

Certificate/Transfer Holder: (include copy of map)

- ✓ RALPH E. & NORMA JOHNSON
16705 NE CHEHALEM DR
NEWBERG OR 97132

Copies Mailed

By: *Dawn*
(SUPPORT STAFF)

on: JUN 21 2013
(DATE)

Copies of final Certificate to be sent to:

- ✓ 1. Watermaster #16 (Include map)
✓ 2. Data Center
✓ 3. Water Availability
✓ 4. Vault
5. File

Other Persons to receive copies (proposed and/or final certificate: (Include map)

- ✓ JOHN E. BORDEN, CWRE

Record Marking(s) :

- ✓ 1. Original Application# S-37060
2. Old Certificate# 33886

1 Ltr
6 Certificate
4 Map

MEMO

TO: FILE T-10441

FROM: JWG

DATE: 2-11, 2013

RE: DETERMINATION OF PROOF

I've determined that a PROPOSED / FINAL certificate should be prepared and mailed to the permit holder consistent with:

The Permit/Transfer

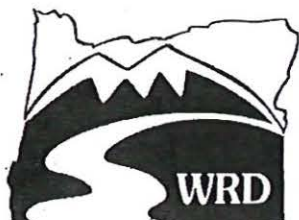
The FPS/COBU

As described in the permit/transfer but as clarified by the FPS or COBU

As described in the PERMIT/TRANSFER and FPS or COBU but as further specified below:

- ✓ Conflict check
- ✓ Check area of interest. Irrigation District identified? Y N
- ✓ Draft certificate(s) are available in the transfer directory.
- ✓ Check ownership prior to mailing the proposed and/or final cert. If there is a new owner list or attach list from assessor office. Update mailing list with new owner address information.
- ✓ Prepare a mailing list.

Completion Checklist for CWRE Claims of Beneficial Use



Date Received 11/4/2009
 CWRE Name John Bosden
 Claim Logged 11/4/2009
 File Marked 11/4/2009
 Oversized Map # _____
 Read the file and attach a copy of the
 permit or transfer final order. _____

Application # _____
 Permit # _____
 Transfer # T-10441
 Date 11/4/2009
 Reviewer Connie Vance

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☐ Source illustrated if surface water (OAR 690-014-0170(3))
- ☐ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☐ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☐ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☐ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- ☐ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Tax lot information (OAR 690-014)
- ☐ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☐ Source(s) of water (OAR 690-014-0100)
- ☐ Point of diversion/appropriation location (OAR 690-014-0100)
- ☐ Use, period of use, and rate for use (OAR 690-014-0100)
- ☐ Place of use location (OAR 690-014-0100)
- ☐ Type of use (OAR 690-014-0100)
- ☐ Extent of use (OAR 690-014-0100)
- ☐ Rate and Duty (OAR 690-014-0100)
- ☐ Diversion rate for each use (OAR 690-014-0100)
- ☐ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☐ System capacity (OAR 690-014-0100)
 - ☐ Calculated capacity of system (required)
 - ☐ Measured amount of use (optional)
- ☐ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - ☐ Time limits
 - ☐ Initial water level measurements
 - ☐ Annual static water level measurements
 - ☐ Measurement, recording, and reporting
 - ☐ Meter/measuring device
 - ☐ Water use reporting
 - ☐ Fish screening and/or by-pass
 - ☐ Pump test (ground water)
 - ☐ Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient
 N/A = Not Applicable

Certificate Issuance Processing Checklist

_____ Map and COBU reviewed
_____ Conflict check (include copy of plat card printout)
_____ Check for ownership

Any Conflicts? _____

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:

Send letter requesting the following items/information: _____

_____ Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

Gerry Clark by e-mail at Gerald.E.CLARK@wrđ.state.or.us or by phone at 503-986-0811,

Or Jerry Gaaney by e-mail at Jerry.W.GAINEY@wrđ.state.or.us or by phone at 503-986-0812.

The Department has a program titled "Reimbursement Authority" that allows a permit holder to pay the cost to have the Department expedite the review of the claim and, if appropriate, prepare a certificate. This program means a certificate can be issued in about a month. For more information on this program see

<http://www.wrđ.state.or.us/programs/index.shtml>.

****This box can be deleted**

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

RECEIVED

NOV 04 2009

**WATER RESOURCES
SALEM, OREGON**

CLAIM OF BENEFICIAL USE

A fee of \$150 must accompany this form to be accepted. (ORS 536.050(1)(x))

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. **A separate form shall be completed for each permit or transfer final order.**

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
	T-10441

2. Property owner (current owner information)

a. Individuals

Name	Ralph Johnson	Norma Johnson
Mailing Address	16705 NE Chehalem Drive	16705 NE Chehalem Drive
City/State/Zip	Newberg, OR 97132	Newberg, OR 97132
Phone #	503-538-5214	503-538-5214
Fax #	None	None
e-mail address	None	None

b. Businesses/Organizations – N/A

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone	
Fax	
e-mail	

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	Ralph Johnson	Norma Johnson
Mailing Address	16705 NE Chehalem Drive	16705 NE Chehalem Drive
City/State/Zip	Newberg, OR 97132	Newberg, OR 97132

d. Businesses/Organizations – N/A

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: September 22, 2009

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
Ralph Johnson	9/22/2009	Transferee and owner

6. County:

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NOV 04 2009
WATER RESOURCES DEPT
SALEM, OREGON

7. Tax Lot Information:

Tax map number	Tax lot number
3 3 01 (3S, 3W, W.M., Section 1)	400

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

**Mark "NA" if there are no owners of property not included in this claim – N/A

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

A reservoir (Certificates 33885 and 33886) is filled by an unnamed tributary of Chehalem Creek. For Transfer 10441, a 1-1/2 HP electric pump located on the dam pumps water from the reservoir via approximately 470 feet of 1-1/2 inch PVC pipe to a water faucet, then onward approximately 95 feet to another faucet, then via 1-1/4 inch galvanized pipe approximately 135 feet to the third and final faucet. Sprinklers are placed by hand and connected to the faucets by flexible hoses. A variety of orchard trees, pasture grass and landscaping is irrigated on 0.6 acres.

2. Point of diversion name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
Pump	N/A	N/A

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepenings)

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
Unnamed stream and reservoir (C-33886)	Chehalem Creek

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
3S, 3W, W.M., DLC 68, SW NE 1/4 1/4, Section 1	200 feet south and 825 feet east from the NW Cor of A. Welch DLC 68

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Irrigation	Orchard trees, pasture grass and landscaping	Irrigation season	0.01 cfs

Total Quantity of Water 0.01 cfs

6. Place of use for the point of diversion or appropriation:

DLC	1/4 1/4	Section	Township	Range	Use	# of primary acres
68	NE NE	1	3S	3W	IR	0.10
68	SW NE	1	3S	3W	IR	0.25
68	SE NE	1	3S	3W	IR	0.25

Total Acres Irrigated 0.60 Acres

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Groundwater Source Information (Well and Sump)

**If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.

Items 1-5 have been deleted.

Reservoir Data

**If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

Items 1-7 have been deleted. The reservoir was constructed pursuant to Permit R-2663 and perfected as evidenced by Certificate 22885. Use was allowed pursuant to Certificate 33886. Thus the reservoir is

involved, but its associated data is not included as part of this Claim of Beneficial Use because it has been previously perfected.

Storage tank data

**If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

Item 1 has been deleted.

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

Items 1-3 have been deleted.

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

Items 1-3 have been deleted.

System Information:

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Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Goulds	C48C53A0	Unavailable	Centrifugal	1-1/4-inch	1-inch

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Goulds	D0925826	1-1/2	3450	230 Volts

3. Meter information (if required in permit or transfer final order) N/A

Make	Serial #	Condition (working or not)	Current meter reading	Notes

4. Measurement device description N/A

Device description	Condition (working or not)	Notes

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
No meter – thus not measured			

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output

1-1/2	48	40 feet	5 feet	0.06 cfs (27 gpm)
-------	----	---------	--------	-------------------

7. Provide pump calculations in the box below:

See WRD "Calculator" sheet, Attachment 2

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
1-1/2-inch	565	PVC	Buried
1-1/4-inch	135	Galvanized	Buried

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
5/8-inch	25 to 150 feet	Poly garden hose	Above Ground

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Varies	Unknown	3/16	25 psi	5 gpm	3	0.033 cfs (15 gpm)

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

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SALEM, OREGON

11. Additional notes or comments related to the system:

See WRD "Calculator" sheet, Attachment 3.

A pressure of 25 psi was obtained at the highest elevation sprinkler faucet. The sprinklers are a mixture of household garden sprinklers, no two alike. The permittee sets each sprinkler by hand using varying amounts of 5/8-inch diameter garden hose. The CWRE made measurements and landed on an average of 3/16-inch diameter, but such measurements were mostly estimates because the diameters varied and were difficult to determine (none of the sprinklers were "Rainbird" or such as might be used by a farmer in production of a crop for market).

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	- -		
Complete construction	October 1,	August 1,	A pump, buried piping, and faucets were installed.

	2009	2008	
Complete application of water	October 1, 2009	August 1, 2008	Orchard trees, pasture grass and landscaping was irrigated.

2. Initial Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

- a. Was the water user required to submit an initial static water level measurement? NO

Items b-e have been deleted.

3. Annual Static Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

- a. Was the water user required to submit annual static water level measurements? NO

Items b-e have been deleted.

4. Measurement, recording, and reporting conditions:

- a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
NO

If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

**If "NO", items b through g relating to this section can be deleted.

Items b-g have been deleted.

5. Fish Screening and/or By-pass Devices

- a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? NO

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

**If "NO", items b through i relating to this section can be deleted

Items b-i have been deleted.

6. Pump Test (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

- a. Did the permit require the submittal of a pump test? NO

Items b-d have been deleted.

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7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

- a. The former place of use no longer receives water under the right.

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IV. Variations, Attachments, Conclusions, Map and Signatures

Variations

Include a description of variations from the permit or transfer final order

The transfer contemplated that a home would be constructed by the time of the COBU. That has not yet happened. As such, the location is shown as a "Proposed Structure" on the map, Attachment 1.

Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
1	Map
2	WRD Pump Capacity Calculation Sheet
3	WRD Sprinkler Capacity Calculation Sheet

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
Pump	0.01 cfs	0.06 cfs (pump)	Not measured	Irrigation	0.65	0.65
		0.03 cfs (sprinkler)				

Claim of Beneficial Use Map

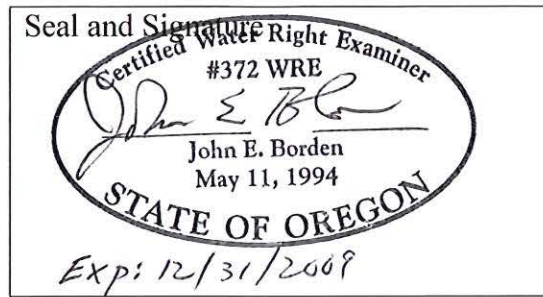
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

In the following box, provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Tax lot maps, Google Earth photos, and a field survey for the application then performed again on September 22, 2009, referencing the NW Cor, Sec 1, T 3S, R3W, W.M.

CWRE Statement, Seal and Signature


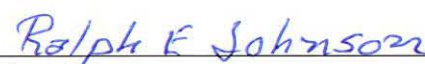
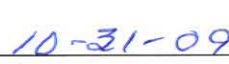
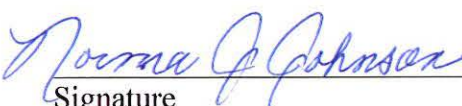
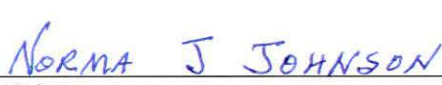
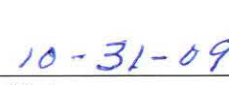
The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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Permit or Transfer Holders Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

		
Signature	Print or type name	Date
		
Signature	Print or type name	Date

Attachment 2

Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 1.5
Efficiency = 6.61
Lift = 45
PSI = 48

Results Calculated

$(hp)(\text{efficiency}) = 9.915$
Head based on psi = 121.9
Total dynamic head = 166.9
(head + lift)

Pump Capacity = 0.06 feet per second

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Sprinkler Capacity Calculator

Data Entry (fill in underlined blanks)

Sprinkler group 1 Nozzle size = 3/16 inch (type an apostrophe before the size)
 Pressure = 25 PSI
 Number of heads = 3

Sprinkler group 2 Nozzle size = 0 inch (type an apostrophe before the size)
(if applicable) Pressure = 0 PSI
 Number of heads = 0

Sprinkler group 3 Nozzle size = 0 inch (type an apostrophe before the size)
(if applicable) Pressure = 0 PSI
 Number of heads = 0

Results calculated

Sprinkler group 1 capacity = 15 gpm, or 0.033 cfs
Sprinkler group 2 capacity = 0 gpm, or 0 cfs
Sprinkler group 3 capacity = 0 gpm, or 0 cfs

Total sprinkler capacity = 15 gpm, or 0.033 cfs

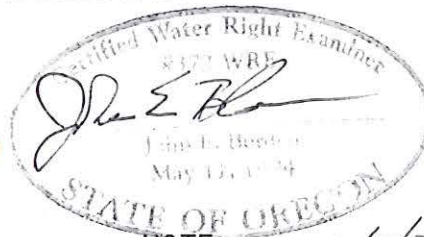
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Note: If entered values return a result of "#N/A" gpm, then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

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NOTE: *Exp: 12/31/2007*

THE POINT OF DIVERSION
FROM THE RESERVOIR IS 200
FEET SOUTH AND 825 FEET
EAST FROM THE NW CORNER
OF THE A. WELCH DLC 68

36 31

1 6



SCALE:
1" = 400'

NW Corner
of A. Welch
DLC 68 is the
Point of
Beginning of
Survey

NWNE

Reservoir
C-33885
(Stream
Ends)

Pump
(No Meter
Required)

SWNE

TL 400

NENE

0.10 Ac

0.25 Ac

SENE

P.O.U. - PLACE OF IRRIGATION USE
WATER USE ACREAGE

SECTION 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 0.10 AC
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 0.25 AC
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 0.25 AC
TOTAL = 0.60 AC

LEGEND



P.O.U.

- USGS GRID
- DLC
- TAXLOT LINE
- ROADWAY
- WATER DISTRIBUTION
- EXISTING STRUCTURE
- PROPOSED STRUCTURE
- ⊗ VALVE AND FAUCET
- ⊕ SECTION CORNER

PREPARATION OF THIS
MAP IS FOR THE
PURPOSE OF IDENTIFYING
THE LOCATION OF THE
WATER RIGHT ONLY.
THERE IS NO INTENT TO
PROVIDE DIMENSIONS OR
LOCATION OF PROPERTY
OWNERSHIP LINES.

SURVEY MAP

AND CLAIM OF BENEFICIAL USE UNDER
TRANSFER No. T-10441
IN THE NAME OF
RALPH AND NORMA JOHNSON
FOR

A CHANGE IN PLACE OF USE FOR IRRIGATION
FROM A RESERVOIR (CERTIFICATE 33885),
TRIBUTARY TO CHEHALEM CREEK
SURVEYED SEPTEMBER 22, 2009
BY JOHN E. BORDEN, CWRE

JOHN BORDEN
CONSULTING

5597 RIVER STREET
503-723-4257
WEST LINN, OR. 97068

IRRIGATED LANDS

IN SECTION 1 OF T.3S. R.3W., W.M.
YAMHILL COUNTY, OREGON.

SURVEYED FOR: Ralph and Norma Johnson

SCALE: 1" = 400'

DRAWN: CRW

10/25/09

FILEPATH & NAME:

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WATER RESOURCES DEPT
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NW Corner
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DLC 68 is the
Point of
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Survey

NWNE

Reservoir
C-33885
(Stream
Ends)

Pump
(No Meter
Required)

0.25 Ac

0.10 Ac

0.25 Ac

SWNE

TL 400

SENE

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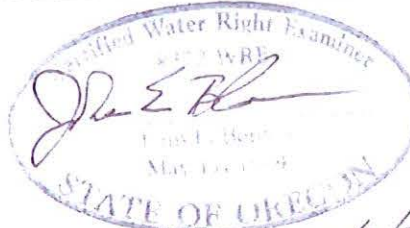
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0.10 Ac

0.25 Ac

1-1/4-inch
Galvanized
Pipe

PVC

1-1/2-inch

TL 400

SENE

SWNE

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WATER USE ACREAGE

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LEGEND



P.O.U.



USGS GRID



DLC



TAXLOT LINE



ROADWAY



WATER DISTRIBUTION



EXISTING STRUCTURE



PROPOSED STRUCTURE



VALVE AND FAUCET



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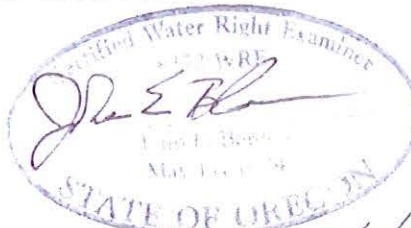
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Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

November 4, 2009

Ralph and Norma Johnson
16705 NE Chehalem Drive
Newberg OR 97132

On November 4, 2009, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application T-10441

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

Customer Service phone: (503) 986-0801

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.



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

December 14, 2007

RALPH & NORMA JOHNSON
16705 NE CHEHALEM DR
NEWBERG OR 97132

Reference: Transfer 10441

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

A time to complete the transfer is given the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #16
John Borden, CWRE

Enclosure

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

In the Matter of Transfer Application)
T-10441, Yamhill County) **FINAL ORDER APPROVING A
CHANGE IN PLACE OF USE**

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use 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

Ralph and Norma Johnson
16705 NE Chehalem Drive
Newberg, Oregon 97132

Findings of Fact

Background

1. On August 7, 2007, Ralph and Norma Johnson filed an application to change the place of use under Certificate 33886. The Department assigned the application number T-10441.
2. The portion of the right to be transferred is as follows:

Certificate: 33886 in the name of Ralph E. Johnson (perfected under Permit S-27573)

Use: Irrigation of 0.6 acre

Priority Date: September 5, 1961

Rate: 0.01 cubic foot per second (cfs)

Limit/Duty: One-eightieth of one cfs per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion not to exceed 2.5 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 R-2663

Source: Unnamed stream and reservoir constructed under Permit R-2663, tributaries to Chehalem Creek

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
3 S	3 W	WM	1	SW NE	68	200 feet South and 750 feet East from the NW Corner of A. WELCH DLC 68

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	3 W	WM	1	NE SE	43	0.60

3. Application T-10441 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	3 W	WM	1	NE NE	68	0.10
3 S	3 W	WM	1	SW NE	68	0.25
3 S	3 W	WM	1	SE NE	68	0.25

4. Notice of the application for transfer was published on August 14, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On September 24, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10441 to the applicant. The draft Preliminary Determination set forth a deadline of October 26, 2007, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On October 31, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10441 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 6, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

7. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10441.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

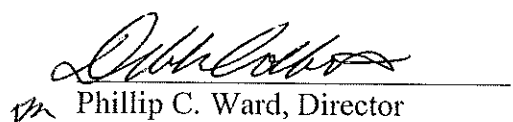
Conclusions of Law

The change in place of use proposed in application T-10441 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-10441 is approved.
2. Water Right Certificate 33886 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 33886 and any related decree.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
6. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 13 day of December 2007.


Phillip C. Ward, Director

Mailing Date: DEC 17 2007

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Ralph E. Johnson
16705 NE Chehalem Drive
Newberg, Oregon 97132

confirms the right to use the waters of an unnamed stream and reservoir constructed under Permit R-2663, tributaries to Chehalem Creek, for stock use.

This right was perfected under Permit S-27573. The date of priority is September 5, 1961. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.01 cubic foot per second, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
3 S	3 W	WM	1	SW NE	68	200 feet South and 750 feet East from the NW Corner of A. WELCH DLC 68

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 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 R-2663 and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

STOCK					
Twp	Rng	Mer	Sec	Q-Q	DLC
3 S	3 W	WM	1	NE NE	68
3 S	3 W	WM	1	SE NE	68

This certificate describes that portion of the water right confirmed by Certificate 33886, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 13 2007, approving Transfer Application T-10441.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed DEC 13 2007.


Phillip C. Ward, Director

Water Right Transfer Checklist

Transfer T-10441

Transfer Specialist: pks

Transfer Type: Regular

Applicant Name/Address: Raplh & Norma Johnson, 16705 NE Chehalem Drive, Newberg, Oregon 97132

Agent Name/Address: John Borden, 5597 River Street, West Linn, Oregon 97068

CWRE Name/Number: John Borden, #372, Address above

Rec Landowner Name/Address: NONE

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: Yamhill Co. Dept. of Planning & Development, 535 NE Fifth St, McMinnville, OR 97128

Commentors: Name/Address: NONE

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	S 37060	S 27573	33886	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	83564
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: <u>08/07/07</u>	Proposed Action(s): POU POD HST APOD USE OTHER: POU	
Fees Pd: <u>400.00</u>	WM District: <u>16</u>	ODFW District: <u>NONE</u>
Initial Notice: <u>08/14/2007</u>	WM Review sent: <u>08/10/07</u>	ODFW Review sent: <u>NONE</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <u>NONE</u>

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

☒ not required

DPD Mailed: 9/24/2007

Affid of Pub Rec'd: _____

☐ ODFW contact sheet sent with DPD, or ☒ N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: 11/6/07

Reminder Deadline: _____

Preliminary Determination

☒ Electronic Files uploaded

☐ Preliminary Determination

☒ PD Cover letter

☐ Fee Refund Due

☒ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: <u>10-26-07</u>	Date: _____
Coordinator: _____	Coordinator: <u>26P</u>	Coordinator: <u>26P</u>
Date: _____	Date: <u>10/29/07</u>	Date: <u>12/11/07</u>
Comments/Special Issues: <u>Change in POU</u>		

Special Order Volume: Vol 73 Pages 793

Final Order Signature Date: DEC 13 2007

Notice of FO email'd to processors Kelly



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

*pd Noticed
11-6-07*

November 1, 2007

Ralph and Norma Johnson
16705 NE Chehalem Drive
Newberg, Oregon 97132

SUBJECT: Water Right Transfer Application T-10441

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10441. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes
Field Services Division

cc: Mike McCord, District 16 Watermaster
John Borden, CWRE
encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-10441, Yamhill County)	PROPOSING APPROVAL OF A
)	CHANGE IN PLACE OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use 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

Ralph and Norma Johnson
16705 NE Chehalem Drive
Newberg, Oregon 97132

Findings of Fact

Background

1. On August 7, 2007, Ralph and Norma Johnson filed an application to change the place of use under Certificate 33886. The Department assigned the application number T-10441.
2. The portion of the right to be transferred is as follows:

Certificate: 33886 in the name of Ralph E. Johnson (perfected under Permit S-27573)

Use: Irrigation of 0.6 acre

Priority Date: September 5, 1961

Rate: 0.01 cubic foot per second (cfs)

Limit/Duty: One-eightieth of one cfs per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion not to exceed 2.5 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 R-2663

Source: Unnamed stream and reservoir constructed under Permit R-2663, tributaries to Chehalem Creek

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
3 S	3 W	WM	1	SW NE	68	200 feet South and 750 feet East from the NW Corner of A. WELCH DLC 68

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	3 W	WM	1	NE SE	43	0.60

3. Application T-10441 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	3 W	WM	1	NE NE	68	0.10
3 S	3 W	WM	1	SW NE	68	0.25
3 S	3 W	WM	1	SE NE	68	0.25

4. Notice of the application for transfer was published on August 14, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On September 24, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10441 to the applicant. The draft Preliminary Determination set forth a deadline of October 26, 2007, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Transfer Review Criteria [OAR 690-380-4010(2)]

6. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are 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 were present within the five-year period prior to submittal of Application T-10441.
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.

Determination and Proposed Action

The change in place of use proposed in application T-10441 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10441 is approved, the final order will include the following:

1. *The change in place of use proposed in application T-10441 is approved.*

2. *Water Right Certificate 33886 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 33886 and any related decree.*
4. *The former place of use of the transferred rights shall no longer receive water under the rights.*
5. *The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
6. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 31 day of October 2007.


Phillip C. Ward, Director

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-10441**

T-10441 filed by Ralph and Norma Johnson, 16705 NE Chehalem Drive, Newberg, Oregon, 97132, proposes a change in place of use under Certificate 33886. The right allows the use of 0.01 cfs (priority date September 5, 1961) from an unnamed stream and reservoir constructed under Permit R-2663 in Sec. 1, T 3 S, R 3 W, W.M. for irrigation in Sec. 1. The applicant proposes to change the place of use within Sec. 1, T 3 S, R 3 W, W.M.). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.



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

September 24, 2007

Ralph and Norma Johnson
16705 NE Chehalem Drive
Newberg, Oregon 97132

SUBJECT: Water Right Transfer Application T-10441

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-10441. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information prepared within the last three months by a title company. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by October 26, 2007, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@ wrd.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes
Northwest Region Transfer Processor

cc: Mike McCord, District 16 Watermaster
John Borden, CWRE

enc

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

In the Matter of Transfer Application
T-10441, Yamhill County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN PLACE OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use 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

Ralph and Norma Johnson
16705 NE Chehalem Drive
Newberg, Oregon 97132

Findings of Fact

Background

1. On August 7, 2007, Ralph and Norma Johnson filed an application to change the place of use under Certificate 33886. The Department assigned the application number T-10441.

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

Certificate: 33886 in the name of Ralph E. Johnson (perfected under Permit S-27573)

Use: Irrigation of 0.6 acre

Priority Date: September 5, 1961

Rate: 0.01 cubic foot per second

Limit/Duty: One-eightieth of one cfs per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion not to exceed 2.5 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 R-2663

Source: Unnamed stream and reservoir constructed under Permit R-2663, tributaries to Chehalem Creek

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
3 S	3 W	WM	1	SW NE		68	200 feet South and 750 feet East from the NW Corner of A. WELCH DLC 68

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 S	3 W	WM	1	NE SE		43	0.60

3. Application T-10441 proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 S	3 W	WM	1	NE NE		68	0.10
3 S	3 W	WM	1	SW NE		68	0.25
3 S	3 W	WM	1	SE NE		68	0.25

4. Notice of the application for transfer was published on August 14, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

5. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10441.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in place of use proposed in application T-10441 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10441 is approved, the final order will include the following:

1. *The change in place of use proposed in application T-10441 is approved.*
2. *Water Right Certificate 33886 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 33886 and any related decree.*

4. *The former place of use of the transferred rights shall no longer receive water under the rights.*
5. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
6. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2007.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrd.state.or.us.

STATE OF OREGON
COUNTY OF TAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **RALPH E. JOHNSON**

of Route 1, Box 140, Newberg, , 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 unnamed tributary of Chehalis Creek and reservoir constructed under Application No. R-37059, Permit No. R-2663
a tributary of Willamette River for the purpose of
irrigation of 0.6 acre and stock

under Permit No. 27573 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 5, 1961.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.02 cubic foot per second; being 0.01 c.f.s. for irrigation and 0.01 c.f.s. for stock

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Welch DIC 68, Section 1, T. 3 S., R. 3 W., W. M. Diversion point located 200 feet South and 750 feet East from the NW Corner, DIC 68.

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-2663;

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:

RE 7
Stock NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Welch DIC 68
Stock SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Welch DIC 68
0.6 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Welch DIC 43
Section 1
T. 3 S., R. 3 W., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date, April 26, 1967

.....CHRIS L. WHEELER.....

State Engineer

			D.L.C. 6
	UNN. STR. L.R.	L.I.	
D.L.C. 42	ROOFL RES.	AREA FOR STOCK USE TURKEY FIELD	A. WELCH D.L.C. 68 D.L.C. 62
		O.S. Ac.	
		J. WELCH	
		D.L.C. 43	D.L.C. 37
		I	6

Surveyed AUG 19 1965, by L. COLEBANK

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.

1. TYPE OF TRANSFER APPLICATION

Please check one

<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

2. APPLICANT INFORMATION

Name: Ralph Norma Johnson
First Last

Address: 16705 NE Chehalem Dr.
Newberg OR 97132
City State Zip

Phone: 503-538-5214 N/A Cell: 503-891-1923
Home Work Other

Fax: None E-Mail address: None

3. AGENT INFORMATION

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

Name: <u>John</u>	<u>Borden</u>	
First	Last	
Address: <u>5597 River St.</u>		
<u>West Linn</u>	<u>OR</u>	<u>97068</u>
City	State	Zip
Phone: <u>503-723-4257</u>	<u>503-723-4257</u>	<u>N/A</u>
Home	Work	Other
Fax: <u>503-723-4257</u>	E-Mail address: <u>jeborden@comcast.net</u>	

- 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.

T 10441

Last revised: 1/4/2007

Transfer Application/1

RECEIVED

AUG 07 2007

 FS

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.			33886
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): I plan to move my farming operations from their existing location to a location closer to my home. I currently own both properties.

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.

I have a reservoir under Certificate 33885 that is filled by an an unnamed tributary of Chehalem Creek. Pursuant to Certificate 33886, water is delivered from the reservoir via a buried pipe to Tax Lot 600 where sprinklers currently irrigate 0.6 acres.

- System capacity: 0.02 _____ cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately. ^
Only C-33886 is involved in this proposed transfer.

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Transfer Application/2

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SALEM, OREGON

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:

N/A

- 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).

Yamhill County Department of Planning and Development

535 NE Fifth St.

McMinnville, OR 97128

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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): _____
First Last

Address: _____

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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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:

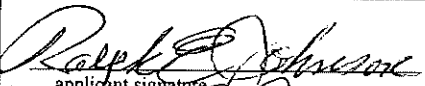
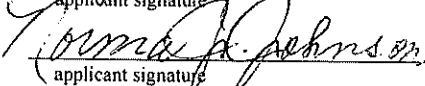
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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	Ralph E Johnson name (print)	8-04-07 date
 applicant signature	NORMA J JOHNSON name (print)	8-04-07 date

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Transfer Application/6

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WATER RESOURCES DEPT
SALEM, OREGON

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: 33886

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (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 checked="" type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use:
<input type="checkbox"/> Additional (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"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	<input type="checkbox"/> Irrigation
<input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.)		<input type="checkbox"/> Municipal
<input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.)		<input type="checkbox"/> Quasi-municipal
<input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.)		<input type="checkbox"/> Commercial
<input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)		<input type="checkbox"/> Industrial
		<input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>)
		<input type="checkbox"/> Domestic (indicate number of households) _____
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)
		<input type="checkbox"/> Supplemental Use to Primary Use (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 checked="" type="checkbox"/> Certificated Right	33886 ✓ Certificate Number	27573 Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Ralph E. Johnson ✓
- County: Yamhill ✓
- Authorized Use(s) to be Affected by Transfer: Irrigation and Stock ✓
- Priority Date(s): September 5, 1961 ✓

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: There will be no change in the sources of water -- they will remain the same. ✓

Tributary to: _____

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: 33886

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)
	No change							
		35	3W	WM	1	SWNE	DLC 68	200 ft S. + 750 ft E. from NW cor DLC 68
								68

- 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
N/A									

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▪ Certificate Number or other identifying number: 33886

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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WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 33886

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)
No change							

- 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
N/A										

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▪ Certificate Number or other identifying number: 33886

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]

Remarks: The exact acres in each quarter-quarter section will be confirmed at time of the
Final Proof Survey when the Claim of Beneficial Use is prepared and submitted to OWRD.
 "Stock" Use will NOT continue as currently at various locations on Tax Lot 400.

Meridian: WILLAMETTE Township: 3 South Range: 3 West Section: 1 Records per Page: 10 Search

9/20/2007 2:57 PM

Permit: R2663 Cert: 33885																			
Select	Cert:33886 OR *	T10441	9/5/1961	LIVESTOCK	68	*			*										
Additional Info: RALPH JOHNSON App: S37060 Permit: S27573 Cert: 33886																			
Select	Cert:71788 OR *		1/1/1993	LIVESTOCK			*												
Additional Info: EFFIE GEORGE App: R80146 Cert: 71788																			
Select	Permit:G 13876 *		5/3/1991	MUNICIPAL USES		*			*						*			*	
Additional Info: BOB KNORR App: G12515 Permit: G13876																			
1 2																			

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 3 South Range: 3 West Section: 1 Records per Page: 10 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	Unknow QQ
Select Claim: *		11/30/1905	MUNICIPAL USES					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Additional Info:																								
Select App:LL 1078 *		6/19/2007	MUNICIPAL USES					*			*									*			*	
Additional Info: CITY OF NEWBERG App: LL1078																								
Select Cert:33885 OR *		9/5/1961	STORAGE		68				*	*														
Additional Info: RALPH JOHNSON App: R37059 Permit: R2663 Cert: 33885																								
Select App:R 86676 *		9/7/2006	STORAGE						*															
Additional Info: RALPH JOHNSON App: R86676																								
Select Permit:R 14291 *		3/24/2006	WILDLIFE						*															
Additional Info: JAMES FETTIG App: R86530 Permit: R14291																								
1 2																								

Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified



First American

First American Title Insurance Company of Oregon
775 NE Evans Street PO Box 1239
McMinnville, OR 97128
Phn - (503)472-4627
Fax - (866)800-7294

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**WATER RESOURCES DEPT
SALEM, OREGON**

Order No.: 1031-1124685A
October 09, 2007

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

, Escrow Officer/Closer
Phone: (503)472-4627 - Fax: - Email:
First American Title Insurance Company of Oregon

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Clayton Carter, Title Officer
Phone: (503)472-4627 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Preliminary Title Report

ALTA Owners Standard Coverage	Liability \$	Premium \$	
ALTA Owners Extended Coverage	Liability \$	Premium \$	
ALTA Lenders Standard Coverage	Liability \$	Premium \$	To Come
ALTA Lenders Extended Coverage	Liability \$	Premium \$	
Endorsement		Premium \$	
Govt Service Charge		Cost \$	
Other		Cost \$	

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

Lot 25, RaNor ESTATES, Yamhill County, Oregon.

and as of October 05, 2007 at 8:00 a.m., title vested in:

Ralph E. Johnson and Norma J. Johnson, Trustees, or their successors in trust, under the Johnson Living Trust, dated June 16, 1993

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. Easement for public utilities as delineated on said plat.

3. Terms, conditions and effect, if any, of that certain Measure 37 Board Order 05-535, dated June 29, 2005 and recorded July 6, 2005 as Instrument No. 200514045, Deed and Mortgage Records, Yamhill County, Oregon. The Company expressly does not insure the validity or enforceability of the order set forth above and coverage regarding this matter is subject to the "Exclusions from Coverage 1 (a)" as set forth in the policy issued (or to be issued) hereunder.
4. Terms, conditions and effect, if any, of that certain Measure 37 Board Order 05-590, dated July 13, 2005 and recorded July 19, 2005 as Instrument No. 200515002, Deed and Mortgage Records, Yamhill County, Oregon. The Company expressly does not insure the validity or enforceability of the order set forth above and coverage regarding this matter is subject to the "Exclusions from Coverage 1 (a)" as set forth in the policy issued (or to be issued) hereunder.

And Re-Recorded: July 20, 2005

Recording Information: Instrument No. 200515546

5. The following pertain to lender's Extended coverage only:
 - a. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
 - b. Parties in possession, or claiming to be in possession, other than the vestees shown herein.
 - c. Statutory liens for labor and/or materials, including liens for contributions due to the State of Oregon for employment compensation and for workman's compensation, or any rights thereto, where no notice of such liens or rights appears of record.

- END OF EXCEPTIONS -

NOTE: We find no judgments or United States Internal Revenue liens against Johnson Living Trust

NOTE: Taxes for the year 2007-2008 PAID PRIOR TO PLAT

Tax Amount:	\$15,629.63
Map No.:	R3301-600
Property ID:	66895
Tax Code No.:	29.2

Situs Address as disclosed on Yamhill County Tax Roll:

Lot 25, Ranor Estates, Newberg, OR 97132

THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!

RECORDING INFORMATION

Filing Address: **Yamhill County**
535 NE Fifth Street
McMinnville, OR 97128

Recording Fees: \$ **26.00** for the first page
\$ **5.00** for each additional page



First American Title Insurance Company of Oregon

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

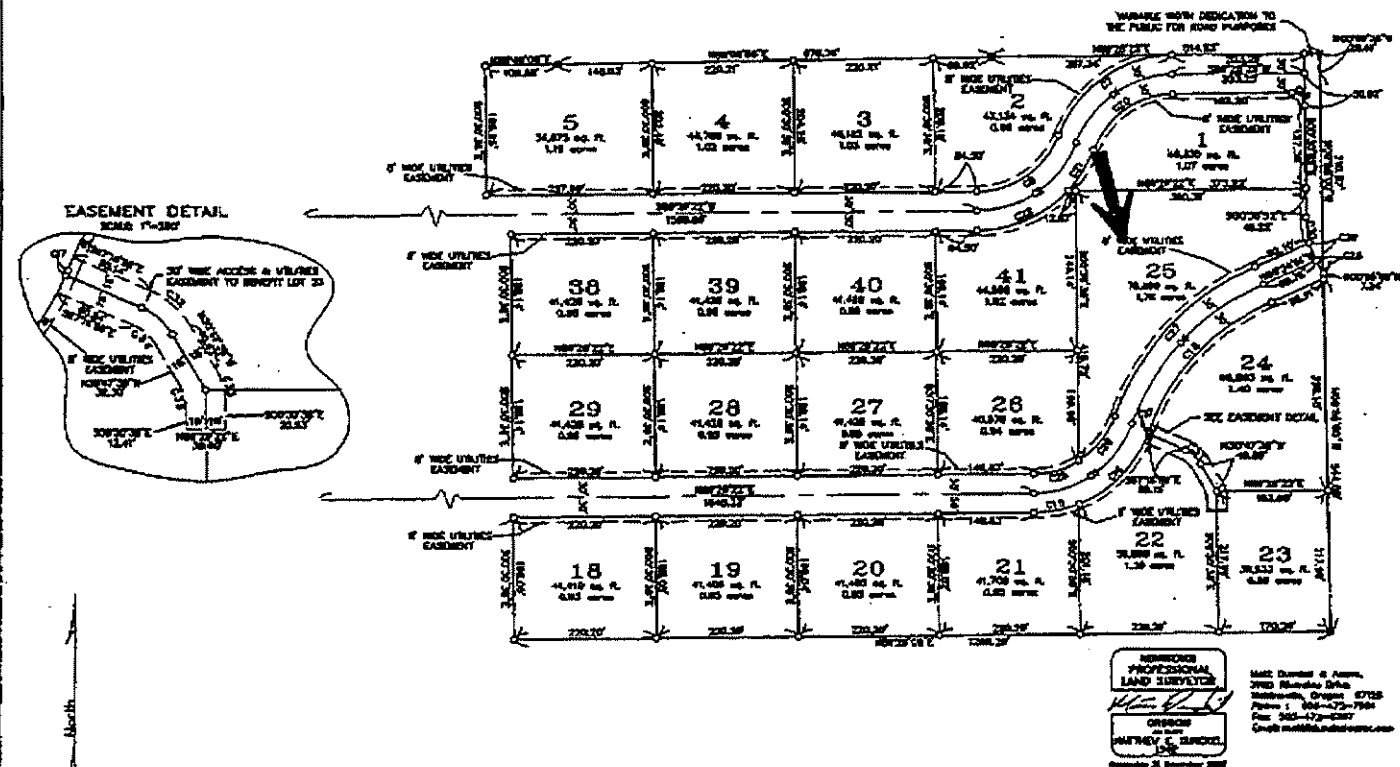
1. The Lien of Real Estate Taxes or Assessments imposed on the title by a governmental authority that are not shown as existing liens in the records of any taxing authority that levies taxes or assessments on real property or in the public records.
2. Any Facts, Rights, Interests, or Claims that are not shown in the public records but that could be ascertained by an inspection of the land or by making inquiry of persons in possession of the land.
3. Easements, Claims of Easements or Encumbrances that are not shown in the public records.
4. Any Encroachment, Encumbrance, Violation, Variation, or Adverse Circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.
5. Unpatented Mining Claims; Reservations or Exceptions in Patents or in acts authorizing the Issuance thereof; Water Rights, Claims or Title to Water.
6. Any Lien, or Right to a Lien, for Services, Labor or Material theretofore or hereafter furnished, Imposed by law and not shown in the public records.

Location: SE 1/2 Section 1, T. 3 S., R. 3 E., NW,
Johnston D.C. #43, Yamhill County, Oregon

DocId: 3-01-08

Doc 104: 3301 - 800

Date: 4 June 2007



October 5, 2007

Mr. Starnes;

Enclosed is a title report on the property I wish to apply the change of water rights to. I see it includes a city water line that is not on the property but is on the original 40 acre parcel. The line is 500 feet + or - to the east of subject parcel.

This property is separate from the 37 claim we have on tax lot 3301-600 , so it shouldn't have any effect on the transfer.

The conditions of the transfer are acceptable, so please proceed to finalize the transfer.

Sincerely,



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OCT 09 2007

WATER RESOURCES DEPT
SALEM OREGON



First American

First American Title Insurance Company of Oregon
775 NE Evans Street PO Box 1239
McMinnville, OR 97128
Phn - (503)472-4627
Fax - (866)800-7294

"TO" leads

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Clayton Carter, Title Officer

Phone: (503)472-4627 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Ralph Johnson
16705 NE Chehalem Dr.
Newberg, OR 97132

Order No.: 1039-1120740

October 05, 2007

Attn:
Phone No.: (503)538-5214 - Fax No.:
Email:

Re:

Preliminary Title Report

ALTA Owners Standard Coverage	Liability \$	Premium \$
ALTA Owners Extended Coverage	Liability \$	Premium \$
ALTA Lenders Standard Coverage	Liability \$	Premium \$
ALTA Lenders Extended Coverage	Liability \$	Premium \$
Endorsement		Premium \$
Govt Service Charge		Cost \$
Other		Cost \$

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of October 03, 2007 at 8:00 a.m., title vested in:

Ralph E. Johnson and Norma J. Johnson, Trustees of the Johnson Living Trust under agreement dated June 16, 1993

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes for the fiscal year 2007-2008 a lien due, but not yet payable.

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**WATER RESOURCES DEPT
SALEM OREGON**

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

2. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
4. Easement, including terms and conditions contained therein:
Granted to: City of Newberg, a municipal corporation of Yamhill County,
State of Oregon, its successors and assigns
For: right-of-way for water pipeline
Recorded: November 10, 1939
Recording Information: Book 116, Page 095, Deed Records
5. Easement as disclosed on the recorded Partition Plat 99-31
6. Agreement to Amend Easement and the terms and conditions thereof:
Between: Ralph E. Johnson and Norma J. Johnson, Trustees of the
Johnson Living Trust under agreement dated June 16, 1993, and
any amendments thereto
And: Steven K. Johnson and Karen Johnson, husband and wife
And: Rickie L. Johnson and Audrey Johnson, husband and wife
Recording Information: May 30, 2001 as Instrument No. 200108377, Deed and
Mortgage Records
7. Terms, conditions and effect, if any, of that certain Measure 37 Board Order 05-535, dated June 29, 2005 and recorded July 6, 2005 as Instrument No. 200514045, Deed and Mortgage Records, Yamhill County, Oregon. The Company expressly does not insure the validity or enforceability of the order set forth above and coverage regarding this matter is subject to the "Exclusions from Coverage 1 (a)" as set forth in the policy issued (or to be issued) hereunder.
8. Terms, conditions and effect, if any, of that certain Measure 37 Board Order 05-590, dated July 13, 2005 and recorded July 19, 2005 as Instrument No. 200515002, Deed and Mortgage Records, Yamhill County, Oregon. The Company expressly does not insure the validity or enforceability of the order set forth above and coverage regarding this matter is subject to the "Exclusions from Coverage 1 (a)" as set forth in the policy issued (or to be issued) hereunder.

And Re-Recorded: July 20, 2005
Recording Information: as Instrument No. 200515002, Deed and Mortgage Records

- END OF EXCEPTIONS -

NOTE: We find no judgments or United States Internal Revenue liens against Ralph E. Johnson and Norma J. Johnson

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**WATER RESOURCES DEPT
SALEM OREGON**

NOTE: Taxes for the year 2006-2007 PAID IN FULL

Tax Amount: \$7.32
Map No.: R3301-400
Property ID: 66797
Tax Code No.: 29.2

Situs Address as disclosed on Yamhill County Tax Roll:

16705 NE Chehalem Dr., Newberg, OR 97132

THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!

RECORDING INFORMATION

Filing Address: **Yamhill County**
535 NE Fifth Street
McMinnville, OR 97128

Recording Fees: \$ **26.00** for the first page
\$ **5.00** for each additional page

cc: Ralph E. Johnson and Norma J. Johnson



First American Title Insurance Company of Oregon

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

1. The Lien of Real Estate Taxes or Assessments imposed on the title by a governmental authority that are not shown as existing liens in the records of any taxing authority that levies taxes or assessments on real property or in the public records.
2. Any Facts, Rights, Interests, or Claims that are not shown in the public records but that could be ascertained by an inspection of the land or by making inquiry of persons in possession of the land.
3. Easements, Claims of Easements or Encumbrances that are not shown in the public records.
4. Any Encroachment, Encumbrance, Violation, Variation, or Adverse Circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.
5. Unpatented Mining Claims; Reservations or Exceptions in Patents or in acts authorizing the issuance thereof; Water Rights, Claims or Title to Water.
6. Any Lien, or Right to a Lien, for Services, Labor or Material theretofore or hereafter furnished, imposed by law and not shown in the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

RECEIVED

TI 149 Rev. 6-17-06

OCT 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

Exhibit "A"

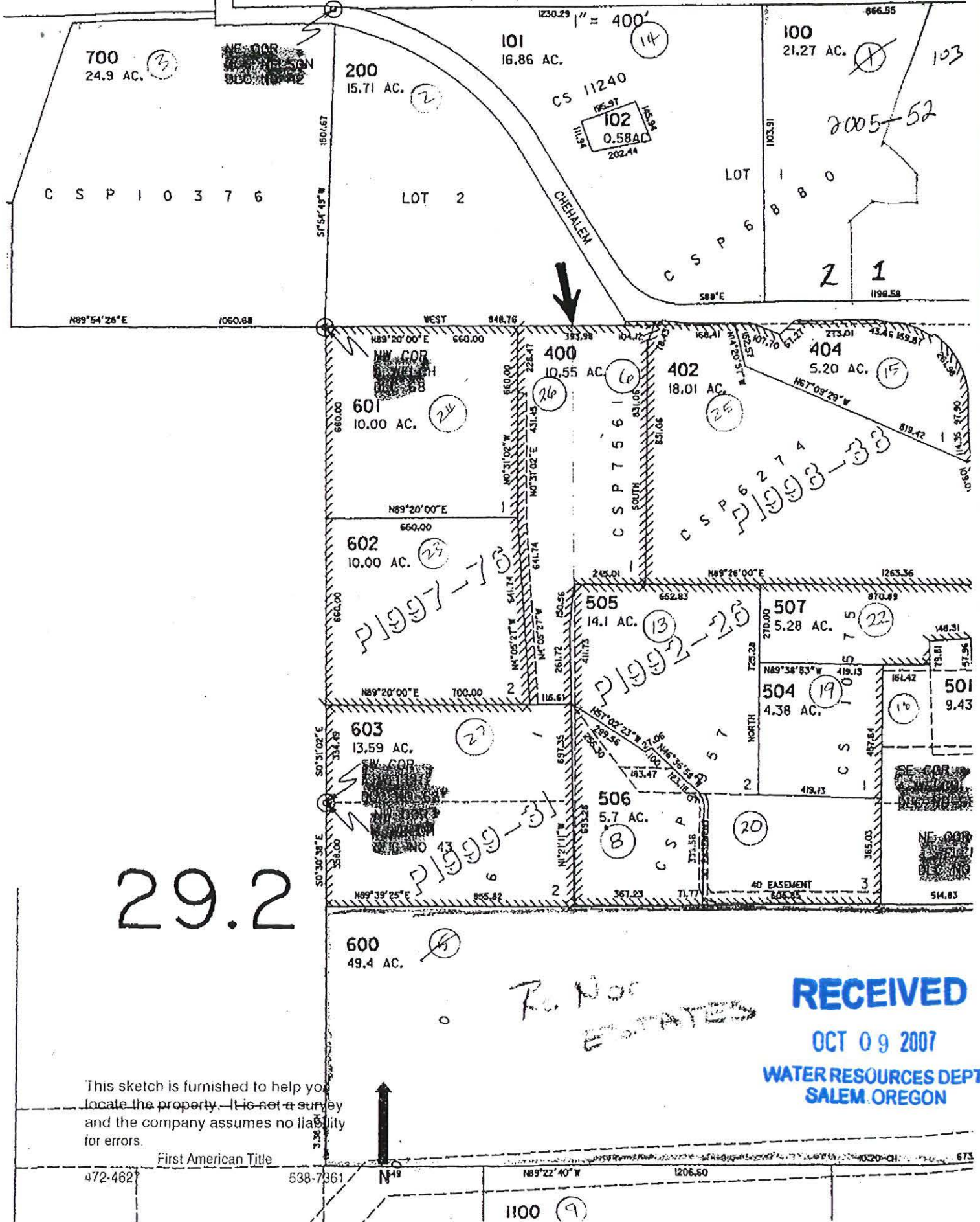
Real property in the County of Yamhill, State of Oregon, described as follows:

Parcel 1 of Yamhill County Partition Plat No. 99-31 for Ralph and Norma Johnson, in Section 1, Township 3 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND: Beginning on the North line of Parcel 2 of said PT 99-31 and at the Southeast corner of Parcel 2 of Yamhill County Partition Plat No. 97-76; thence North $89^{\circ} 20' 00''$ East 30.00 feet to the Southwest corner of Parcel 1 of PT 99-31; thence North $04^{\circ} 05' 27''$ West 641.74 feet along the West line of said Parcel 1; thence North $00^{\circ} 31' 02''$ West 431.45 feet along said West line; thence South $89^{\circ} 28' 58''$ West 30.00 feet to the East line of Parcel 1 of PT 97-76; thence South $00^{\circ} 31' 02''$ East 431.53 feet to the Southeast corner of said Parcel 1; thence South $04^{\circ} 05' 27''$ East 641.74 feet along the East line of Parcel 2 of said PT 97-76 to the point of beginning.

Tax Parcel Number: R3301-400

YAMHILL COUNTY



NW



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-10441

Review Due Date: 9/8/07

Applicant Name: Ralph Johnson

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

Reviewer(s): M Mccord

Date of Review: Sep. 14, 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: _____
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: _____
10. What alternatives may be available for addressing any issues identified above: _____

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:

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

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

State of Oregon)
) ss
 County of Yamhill)

I, Ralph Johnson, in my capacity as owner,
 mailing address 16705 NE Chehalis Dr Newberg Or 97132
 telephone number (503) 538-5214, 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)
3	5	3	W	W.1/4	01	NE¼ SE¼	43	1.6

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**WATER RESOURCES DEPT
SALEM, OREGON**

T 10441

(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.

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

yard & Garden

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

Gravity

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: Personal Application

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WATER RESOURCES DEPT
SALEM, OREGON

Ralph E. Johnson
Signature of Affiant

8-5-07
Date

Signed and sworn to (or affirmed) before me this 3 day of August, 20 07.



Janet L. Winder
Notary Public for Oregon

My Commission Expires: 5/6/09

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

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

State of Oregon)
) ss
 County of Yamhill)

I, George Billette, in my capacity as Neighbor,
 mailing address 18135 NE Bald Peak Rd Newberg OR 97132
 telephone number (503) 538-2529, 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)
<u>3</u>	<u>5</u>	<u>3</u>	<u>W</u>	<u>W. ¼</u>	<u>01</u>	<u>NE ¼, SE ¼</u>	<u>43</u>	<u>0.6</u>

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AUG 07 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

(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.

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

Yard & Garden

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

Gravity

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

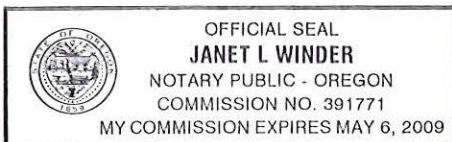
- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, 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: Neighbor I can attest to the
continuous irrigation of Ralph Johnson's
Yard & Garden. Incidentally my Father built his
Pond

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 3rd day of August, 2007.



Janet L. Winder
Notary Public for Oregon

My Commission Expires: 5/6/09

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

Supplemental Form B

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- 2 -

AUG 07 2007

Affidavit Attesting to the Use of Water

T 10441

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Ralph Johnson
Mailing Address: 16705 NE Chehalene Dr
City: Newberg State: OR Zip: 97132 Day Phone: 503-538-5214

This application is related to a Measure 37 claim. ☐ Yes ☐ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
3S	3W	1	SW 1/4	33-01-400	AF-10*	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3S	3W	1	SE 1/4	"	"	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Yamhill

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Un-named stream

Estimated quantity of water needed: 0.02 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☐ Other _____

Briefly describe: I propose to transfer the place of use for my existing water rights C-33885 & 33886 from Tax Lot 33-01-600 to Tax Lot 33-01-400, all in SEC 1, T3S, R3W, W.M.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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WATER RESOURCES DEPT
SALEM, OREGON

T 10441

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): SDI, T.C. 2.0

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: MARTIN GARROST-MASIN Title: ASSOC. PLANNER
Signature: [Signature] Phone: 503-434-7616 Date: 7-31-07
Government Entity: TAMMILL COUNTY

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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WATER RESOURCES DEPT
SALEM, OREGON

Review Checklist**T-10441****Processor: pks****Application**

- ☒ The type of change is clearly indicated.
- ☒ The application is appropriately signed.
- ☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☒ Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☒ All required attachments received.

Water right subject to transfer

- ☒ Certificated right or Proof accepted "to the satisfaction...."
- ☒ The right been exercised according to terms & conditions of certificate.
- ☒ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☒ No information in record that suggests forfeiture.
- ☒ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☒ The map has an original CWRE signature.
- ☒ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☒ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☒ Metes and bounds for the POD's/POA's are properly described on the map.
- ☒ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☒ Map acres match the tabulation on the certificate.
- ☒ Have final proof maps/deed maps for the rights. ☒ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- ☒ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☒ Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- ☒ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- ☒ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☒ Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- ☒ The applicant is the owner of the "from" lands.
- ☒ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|--|---|---|---|---|
| <input checked="" type="checkbox"/> application complete | <input checked="" type="checkbox"/> map | <input checked="" type="checkbox"/> FPS | <input checked="" type="checkbox"/> evidence of use | <input checked="" type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed/ROLI | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input checked="" type="checkbox"/> plat card |
| <input checked="" type="checkbox"/> audit | <input checked="" type="checkbox"/> dpd | | | |

- Reviews/comments/conditions received? ☒ Watermaster ☐ ODFW ☐ GW
- | | | | |
|---------------------|---|---|--|
| Headgate | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Measuring Devices | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Fish Screen Devices | <input type="checkbox"/> | | |

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

Indicate in this column whether or not the item is satisfied.

Permanent Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: Ralph & Norma Johnson (Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

NOTE: The Department can accept a Transfer application for any right that is:

- ☒ 1) an adjudication with a court decree; *or*
- ☒ 2) a certificate that is not cancelled; *or*
- ☐ 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, **RETURN** the application & fee to the applicant.

Section B – Type of Change

Is the proposed change(s) allowed under the Transfer process?

[ORS 540.510]

NOTE: Only POD, POA or POU or USE changes are allowed on Transfers.

If the application proposes a change other than those listed above, **RETURN** the application & fee to the applicant.

Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: \$400.00

Fee Schedule – ORS 536.050(1)(h)

Total Fees Paid: \$400.00

- ~~\$350~~ - Base fee (1st change and 1st CFS of water) -\$400
- ~~+\$350~~ - Each additional type of change requested
- ~~+\$175~~ - For each CFS, or fraction thereof, requested beyond 1st CFS (for POU, Type of Use, or Exchange)

Fees Due (if any): _____

Refund Due (if any): _____

If the applicant has **NOT** submitted the total fees required, **RETURN** the application & deficient fee to the applicant.

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Transfer application complete?

All required elements necessary for a complete transfer application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.


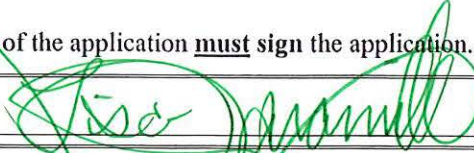
NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is **NOT** complete, **RETURN** the application & fee to the applicant.

- ☒ • Type of transfer application (Page 1)
 - ☒ • Applicant's name, mailing address and contact information. (Page 1)
 - ☒ • Agent's name, mailing address and contact information, if applicable. (Page 1)
 - ☒ • Are the water rights to be affected by this transfer listed? (Page 2)
- If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.

	Checklist for Supplemental Form A – (Attachments)	
✓	• Certificate # filled in on each page?	(Page 1)
✓	• Type of change(s) proposed clear? <i>POU only (Irrig. portion only)</i>	(Page 1)
✓	• Current Water Right information is complete?	(Page 2)
✓	<p>• If for a change in <i>POU</i> or <i>USE</i>..... (Page 2)</p> <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO</p> <p>If <i>YES</i>..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>If layered with GR, must submit a GR Modification application as well as this application.</p> <p>Are they included in application? If not, contact applicant or agent.</p>	
✓	<p>• Location description of the authorized POA/POD to be changed. (Page 3)</p> <p>NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>	
✓	<p>• Location description of the existing authorized POU and associated acres (if applicable). (Page 4)</p> <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>	
N/A	<p>• Location description of the proposed POA/POD. (Page 5)</p> <p>NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.</p>	
✓	<p>• Location description of the proposed POU and associated acres (if applicable). (Page 6)</p> <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>	
	Return back to Page 2 of transfer application	
✓	• The type of changes being proposed.	(Page 2)
✓	• Reason for the transfer.	(Page 2)
✓	• Description of current water delivery system.	(Page 2)
✓	• System Capacity.	(Page 2)

	Checklist for Supplemental Form B – (Attachments)	
✓	• Is there a box checked in #1?	(Page 1)
✓	• Is there a box checked in #2?	(Page 1)
✓	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	(Page 1)
✓	• In question #4 and #5 are they filled out. 2)	(Page 2)
✓	• Is there a box checked in #6?	(Page 2)
✓	• Is the #6 supporting documentation included with application? 2)	(Page 2)
✓	• Is there an original signature of the notary and notary stamp? 2)	(Page 2)
	Return back to Page 3 of transfer application	
✓	• Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided.	(Page 3)
✓	• Is the applicant the Landowner of the “from” and “to” Lands? YES NO If NO..... The applicant must list current landowner name & address.	(Page 4)
✓	• Who will be responsible for completion of the changes? Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
See Final Proof Map	• Map..... (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map ___ if more than 3 rights are included in transfer, is there a separate map for each water right? ___ If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map ___ north arrow ___ size & scale ___ other: _____ ___ authorized acreage per ¼ ¼ matches the water right ___ authorized POD/POA and POU (clearly shown, labeled & matches application listing) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (clearly shown, labeled & matches application “proposed” listing) ___ location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
✓	• Land Use form, if applicable. Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.	(Page 5)
N/A	• If a groundwater right is involved, are the well logs or a description included.	(Page 5)
N/A	• If this is an instream water right transfer, is there a form C included and filled out.	(Page 5)

	<div data-bbox="256 163 669 241"><ul style="list-style-type: none">• Signature(s) of applicant(s): Are one of the boxes checked?</div> <div data-bbox="1425 172 1526 205">(Page 6)</div> <div data-bbox="332 252 1136 294"><u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.</div>
<div data-bbox="105 325 641 367">WRD Completeness Reviewer's Name:</div> <div data-bbox="665 231 1136 462"></div> <div data-bbox="1218 325 1542 367">Date: 8-7-07</div>	



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

August 10, 2007

RALPH & NORMA JOHNSON
16705 NE CHEHALEM DR
NEWBERG OR 97132

Reference: Transfer 10441

On August 7, 2007 we received your water right transfer application. The application was accompanied by \$400.00. Our receipt 89084 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.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more information on the Reimbursement Authority program, see our website at http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml or call the transfer section.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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)986-0883.

cc: Watermaster #16
John Borden, Agent

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 08/14/2007

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. 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.

County: YAMHILL
Transfer: 10441
Water Right: CERT 33886
Priority Date: 1961
Name: RALPH & NORMA JOHNSON
Address: 16705 NE CHEHALEM DR, NEWBERT, OR 97132
Change: POU
Source: UNNAMED STREAM / RESERVOIR
Authorized POU: T3S R3W 1
Proposed POU: T3S R3W 1

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. Comments should be sent to the Transfers Section at the Department's Salem office.



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.

1. TYPE OF TRANSFER APPLICATION

Please check one	
<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

2. APPLICANT INFORMATION

Name: Ralph Johnson
 First Last

Address: 16705 NE Chehalem Dr.

Newberg OR 97132
 City State Zip

Phone: 503-538-5214 N/A Cell: 503-891-1923
 Home Work Other

Fax: None E-Mail address: None

3. AGENT INFORMATION

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

Name: John Borden
 First Last

Address: 5597 River St.

West Linn OR 97068
 City State Zip

Phone: 503-723-4257 503-723-4257 N/A
 Home Work Other

Fax: 503-723-4257 E-Mail address: jeborden@comcast.net

- 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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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.			33886
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): I plan to move my farming operations from their existing location to a location closer to my home. I currently own both properties.

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.

I have a reservoir under Certificate 33885 that is filled by an unnamed tributary of Chehalem Creek. Pursuant to Certificate 33886, water is delivered from the reservoir via a buried pipe to Tax Lot 600 where sprinklers currently irrigate 0.6 acres.

- System capacity: 0.02 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.
Only C-33886 is involved in this proposed transfer.

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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:

N/A

- 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).

Yamhill County Department of Planning and Development

535 NE Fifth St.

McMinnville, OR 97128

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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): _____
First Last

Address: _____

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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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:

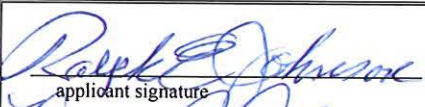
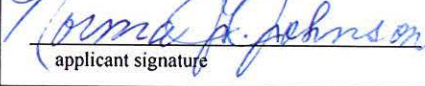
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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	Ralph E. Johnson name (print)	8-04-07 date
 applicant signature	NORMA J JOHNSON name (print)	8-04-07 date

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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: 33886

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (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"/> Additional (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"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input checked="" type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (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 checked="" type="checkbox"/> Certificated Right	<u>33886</u> Certificate Number	 Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	 Name of Decree	 Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	 Permit Number	 Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	 Previous Transfer Number	 Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Ralph E. Johnson
- County: Yamhill
- Authorized Use(s) to be Affected by Transfer: Irrigation and Stock
- Priority Date(s): September 5, 1961

*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: There will be no change in the sources of water -- they will remain the same.

Tributary to: _____

*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: 33886

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)
	No change							
		35	3W	WM	1	SW NE	DLC 68	200 ft S. & 750 ft E. from NW cor DLC
								68

- 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
N/A									

▪ Certificate Number or other identifying number: 33886

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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WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 33886

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)
No change							

- 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
N/A										

▪ Certificate Number or other identifying number: 33886

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]

Remarks: The exact acres in each quarter-quarter section will be confirmed at time of the
Final Proof Survey when the Claim of Beneficial Use is prepared and submitted to OWRD.
 "Stock" Use will NOT continue as currently at various locations on Tax Lot 400.

		UNN. STR. 4.2	6
D.L.C. 42	200FL 750FL RES.	AREA FOR STOCK USE TURKEY FIELD	A. WELCH 68 D.L.C. 62
		OS Ac.	
		J. WELCH	
		D.L.C. 43	D.L.C. 37
		6	

"FROM"
Lands

R - 37059

R-2663

C-33886

RALPH E. JOHNSON

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1965-W 244.

T 10441

T. 3S. R3W., W.M.

SECTION I
YAMHILL COUNTY

PROPOSED TO LANDS

IN THE NAME OF

Ralph E. Johnson



SCALE: 1" = 400'

NWNE

NENE

CHEHALEM

DRIVE

0.10 Ac

0.25 Ac

0.25 Ac

TL 400

SWNE

SENE

TL 505

TL 603

NWSE

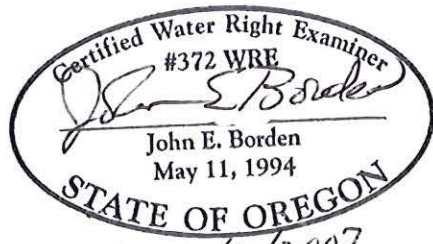
TL 506

NESE
(TL 505)

DRIVE

CHEHALEM

T 10441



Expires 12/31/2007

TL 600

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WATER RESOURCES DEPT
SALEM, OREGON

(BPA)