

2588 Rollo L. Kintz  
Rt. 1, Box 181  
Gaston, Ore. 97119

2588

# STATUS OF APPLICATION

Change in Place of Use  
Date filed November 23, 1971  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order April 11, 1972 Vol. 22, page 5  
Date for application of water 10-1-72  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued MAR 27 1975 Vol. 33, page 41941  
Survey 9-7-72  
11/15/2006 82644

# DESCRIPTION OF WATER RIGHT

Name of stream Tanner Creek  
Trib. of \_\_\_\_\_ County of Washington  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 68  
Name of ditch \_\_\_\_\_  
Date of priority August, 1939  
In name of Bernard Van Meltebeke  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 17925 Per. No. 13701 Cert. No. 13770  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slw

# FEES PAID

Date	Amount	Receipt No.
<u>11-23-71</u>	<u>20.00</u>	<u>26219</u>
TOTAL . . .	<u>1.50</u>	
<u>3-13-75</u>	<u>\$1 Cert. Fee</u>	<u>45641</u>

# FEES REFUNDED

Date	Amount	Check No.
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# REMARKS

FINIS  
T-5745 Δ POD

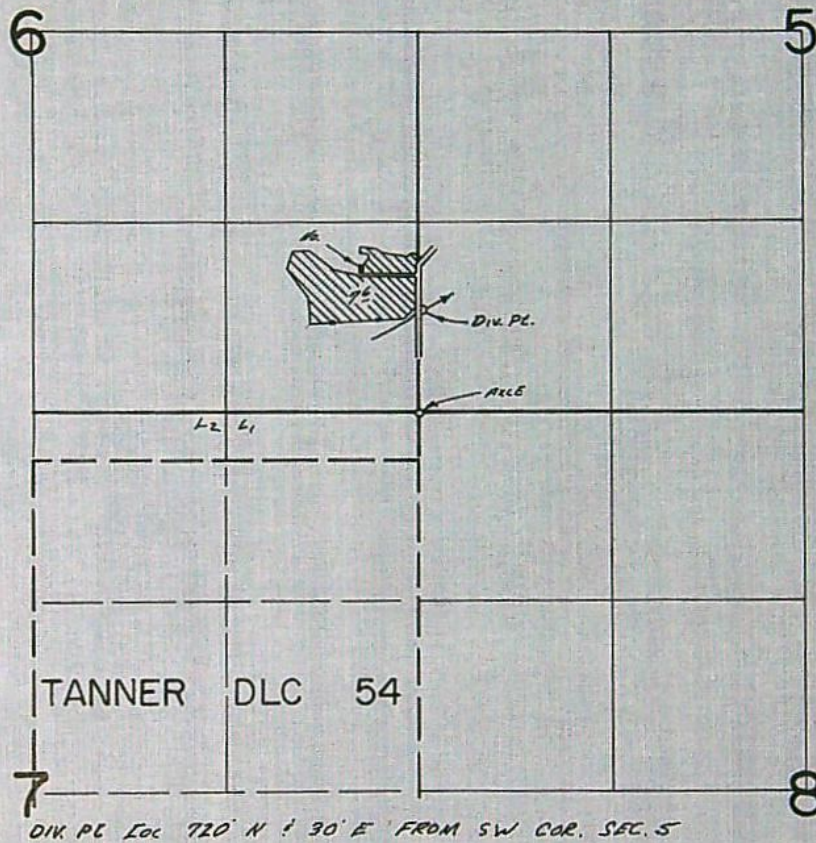
INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>st</u>	_____
<input checked="" type="checkbox"/> Stream	<u>st</u>	_____
<input type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>st</u>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/>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



Lil: Copy the app,  
letter & map for each  
~~general~~ file. Copy  
our letter for each  
file. Mail Original back.



T.1S. R.4W. W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2588  
Application No. .... Permit No. ....  
IN NAME OF  
ROLLO L. KINTZ

Surveyed Oct. 2, 1974, by R. G. MUCKEN



This is a final 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.

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROLLO L. KINTZ  
1506 WILLAMINA AVENUE  
FOREST GROVE, OREGON 97116

confirms the right to use the waters of TANNER CREEK, a tributary of SCOGGINS CREEK, for the purpose of IRRIGATION OF 6.8 ACRES.

The right has been perfected under Permit 13701. The date of priority is APRIL 24, 1939. The right is limited to not more than 0.09 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 6, T 1 S, R 4 W, W.M.; 680 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 6.

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.

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



The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.09 cubic foot per second.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

N 1/2 SE 1/4 SE 1/4 6.8 ACRES  
SECTION 6  
TOWNSHIP 1 SOUTH, RANGE 4 WEST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the wateruser is entitled;

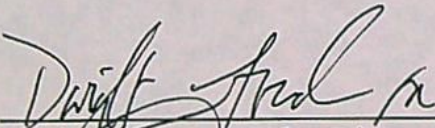
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered MARCH 5, 1986, approving Transfer Application 5745, and supersedes certificate 41944, State Record of Water Right Certificates.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

NOV 15 2006

  
\_\_\_\_\_  
Phillip C. Ward, Director  
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates Number 82644



## STATE OF OREGON

COUNTY OF WASHINGTON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

Rollo L. Kintz

~~BERNARD VAN MELTEBEKE~~

of Route 1, <sup>Box 181</sup> Gaston, State of Oregon <sup>97119</sup>, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Tanner Creek a tributary of Scoggins Creek for the purpose of Irrigation of <sup>6.8 acres</sup> under Permit No. 13701 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 April 24, 1939;

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 0.09 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the ~~SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5 and SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6~~, Township 1 South, Range 4 West, W. M. <sup>N $\frac{1}{2}$</sup>  720 ft. N. 130 ft. E. from SW Cor. <sup>Sec 5</sup>

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 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

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:

<sup>N $\frac{1}{2}$</sup>   
6.8 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 6  
Township 1 South, Range 4 West, W. M.

This certificate is issued to confirm a change in Place of use approved by an order of the State Engineer entered April 11, 1972, and supersedes certificate of water right heretofore issued to Bernard Van Meltebeke and recorded at page 13770, Volume 12, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed

this 1st day of July, 1984.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 13770



BEFORE THE STATE ENGINEER OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ROLLO L. KINTZ FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF WATER )  
FROM TANNER CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2588

On November 23, 1971, Rollo L. Kintz filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tanner Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Bernard van Meltebeke and recorded at page 13770, Volume 12, State Record of Water Right Certificates, confirms a right to the use of 0.09 cubic foot per second of waters of Tanner Creek for the irrigation of 6.8 acres in SE¼ SE¼, Section 6, Township 1 South, Range 4 West, W.M., with a date of priority of April 24, 1939.

The applicant, herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority to 6.8 acres in North ½ of SE¼ SE¼, Section 6, Township 1 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

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



NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 6.8 acres in SE¼ SE¼, Section 6, Township 1 South, Range 4 West, W.M., with a date of priority of April 24, 1939, be severed therefrom and simultaneously and without loss of priority transferred to 6.8 acres in North ½ of SE¼ SE¼, Section 6, Township 1 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1972.

It is FURTHER ORDERED that certificate of water right heretofore issued to Bernard van Meltebeke and recorded at page 13770, Volume 12, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Rollo L. Kintz confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 11th day of April, 1972.

/s/      CHRIS L. WHEELER  
         State Engineer