

3273

STATUS OF APPLICATION

Change in point of diversion
 Date filed 5-26-75
 Date of hearing _____
 Place of hearing _____
 Date of order 12-16-76 Vol. 28, page 194
 Date for application of water 10-1-78
 Proof mailed JUN 5 1979
 Proof received _____
 Certificate issued SEP 13 1979 ol. 42, page 48551
JUN 27 1980 V43 49290

DESCRIPTION OF WATER RIGHT

Name of stream Nestucca River
 Trib. of _____ County of Tillamook
 Use irrigation
 Quantity of water _____ No. of acres 24⁰
 Name of ditch _____
 Date of priority Nov 30, 1964
 In name of Quentin Berba *
 _____ Adjudication, Vol. _____, page _____
 App. No. 40442 Per. No. 30148 Cert. No. 35031
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-26-75</u>	<u>30.00</u>	<u>48108</u>
<u>6-1-76</u>	<u>10.00</u>	<u>52866</u>
TOTAL . . .		
<u>7-19-76</u>	<u>4</u> Cert. Fee	<u>54446</u>

FEES REFUNDED

Date	Amount	Check No.

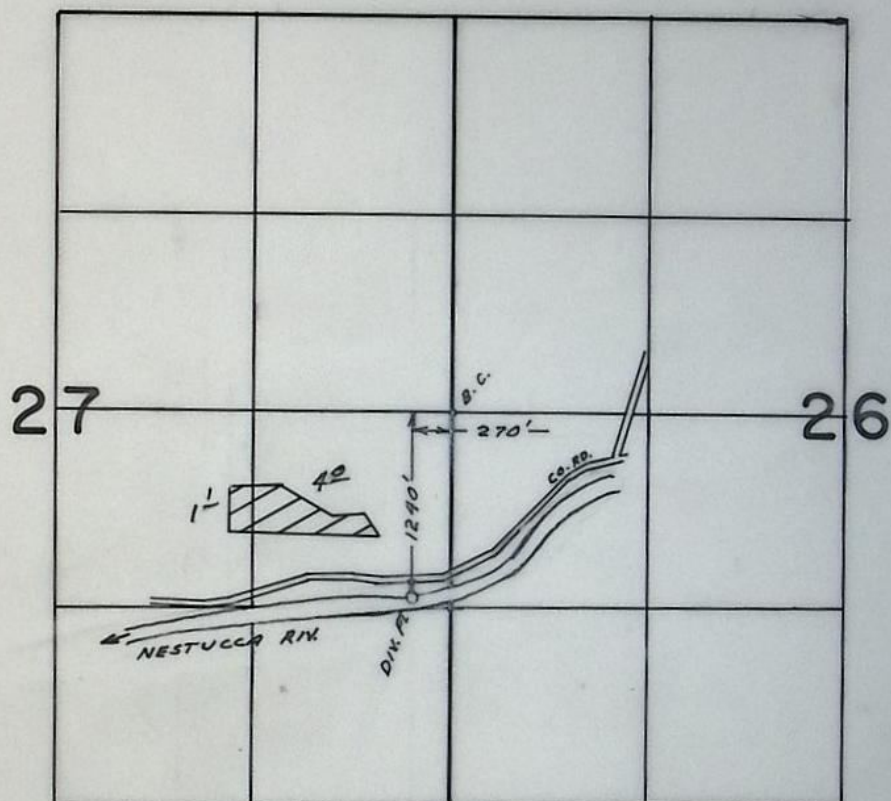
REMARKS

* Sept 7, 1978 Newton L. Kinkade & Peggy J. Kinkade Vol. 6 page 428
25990 Blaine Rd.
Beaver, OR 97108

Form 130 sent JUL 6 1979

INDEX CARDS:		Entered	Checked
<u>WA</u>	Name	<u>✓</u>	
<u>WA</u>	Stream	<u>✓</u>	
<u>WA</u>	Pt. of Div.		
	Calendar	<u>✓</u>	
CHECKED TO RECORDS:			
<u>✓</u>	Twp. & Rge.	<u>GLS</u>	
	Decree-vault		
	Decree-safe		
<u>✓</u>	Cert. of W/R	<u>✓</u>	<u>leg</u>
<u>✓</u>	Per. Folder	<u>✓</u>	<u>leg</u>
	Chaindex		
	Cross Ref.		
	Power Claim		
<u>✓</u>	Abstracts	<u>✓</u>	

T.3S. R.9W. W.M.



FINAL PROOF SURVEY
UNDER

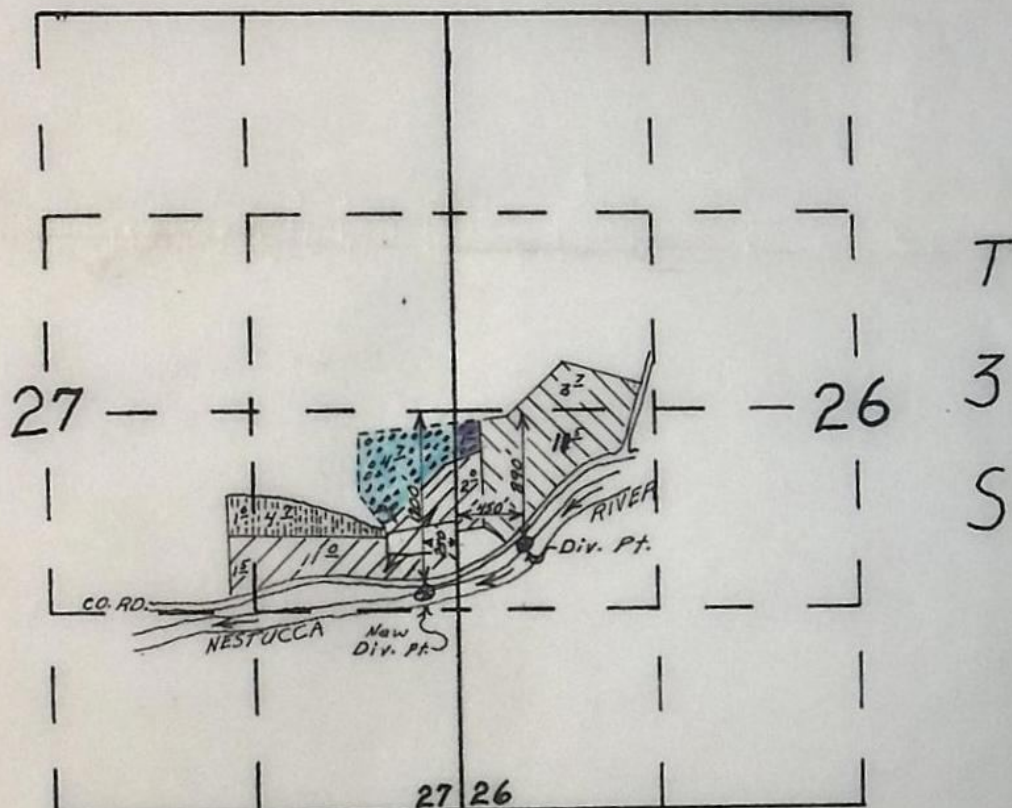
TRANSFER NO. 3273

Application No. Permit No.
IN NAME OF

..... NEWTON L. & PEGGY J. KINKADE

Surveyed AUG. 3, 1977, by L.H. NUNN

R 9 W



** Area Water Use Transferred from
 PH Area Water Use transferred to Under New Div. Pt.
 /// Land Under New Div. Pt.
 \\\ Land Under Old Div. Pt.

Scale $4'' = 1 \text{ mile}$

RECEIVED

JUN - 1976

WATER RESOURCES DEPT.
SALEM, OREGON

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NOV 30 1976

WATER RESOURCES DEPT
SALEM, OREGON

QUENTIN BORBA

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION)
OF QUENTIN BORBA FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER FROM)
NESTUCCA RIVER)

ORDER APPROVING
TRANSFER NO. 3273

On June 26, 1975, Quentin Borba filed an application in the office of the Water Resources Director for the approval of a change in place of use and point of diversion of water from Nestucca River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 35031, Volume 27, State Record of Water Right Certificates, in the name of Quentin Borba describes an existing right of record for the use of not to exceed 0.44 cubic foot per second from Nestucca River for irrigation of 3.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 14.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, 15.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 3 South, Range 9 West, W.M., with a date of priority of November 30, 1964.

Water for the said right is diverted from a point located 890 feet South and 450 feet East from the West quarter-corner of Section 26, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 3 South, Range 9 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the place of use and point of diversion and to sever the right from a certain 1.0 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26 and 4.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, and in lieu thereof to irrigate a certain 4.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 3 South, Range 9 West, and to establish a new point of diversion located 1200 feet South and 250 feet West from the West quarter-corner of Section 26,

being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27, for irrigation of a portion of the land above described, being 2.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, 15.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 3 South, Range 9 West, W.M.

Mr. Benjamin Monroe, Watermaster of District No. 18, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion described herein, without loss of priority, is approved.

It is FURTHER ORDERED that 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 for said lands, and shall not exceed 0.25 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

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

That 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.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made, and said water so transferred shall be applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, the certificate of water right heretofore issued to Quentin Borba and recorded at Page 35031, Volume 27, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right shall be issued to Quentin Borba.

Dated at Salem, Oregon, this 16th day of December, 1976.

/s/ JAMES E. SEXSON
Director

Type Proof
Permit 30148

NO \$ needed

Trans 3273

Tillamook

① Newton L. & Peggy J. Kinkade

25990 Blaine Rd

Beaver OR 97108

③ Nestucca River trib Pacific O

④ ^{0.24}
~~0.05~~ cfs

⑤ 11-30-64

⑥ Irrigation of 12.6 acres

⑦ NE⁴SE⁴ Sec 27 T3S R9W WM, 1240' S & 270' W from the
E⁴ cor Sec 27

⑧

change in place of ^{& point of diversion} use confirmed for:

4.0 ac NE⁴SE⁴

1.1 ac NW⁴SE⁴

Sec 27

T3S R9W WM

change in point of diversion confirmed for:

2.0 ac NW⁴SW⁴

Sec 26

11.0 ac NE⁴SE⁴

1.5 ac NW⁴SE⁴

Sec 27

T3S R9W WM

NO

1977-P
8-3-77
LHM

County Tillamook

- 1240' S & 270' E from E 1/4 cor. Sec. 27

Louis Allison 15	Hp @ 3515
Cornell C-DD	3x2½

Info: Mr. Borba

Source: Nestucca Riv.

DN: pump from Riv.

Pump: Louis Allison 15 Hp @ 3515
Cornell C.DD 3x2 1/2

pipe: 5" main buried to N ~~and~~ side of land
2640' - 3" alum

~~Head~~
Heads: 66 RB 30 3/32 x 1/64 (33 max)

Lift: +20 to +50

Crop: Hay & pasture

Tie: 1977-P tied to a BC and a 4"x4" line post (USFS)

T33R8W
1/4
S27+ S26
1962

8-3-77
Larry Munn
Field Engineer

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JUN - 11976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JUL 19 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

NOV 30 1976

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Quentin Borba

(Name of applicant)

of Star Rt. Box 53, Beaver

(Postoffice)

County of TillamookState of Oregondo hereby make application for change In point ofdiversion and place of use

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

1. The source of present water right is Nestucca River

(Name of stream)

2. The use to which the water is applied is Irrigation

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

3. The name of the ditch, canal or pipe line is _____

4. The point of diversion is located 890 ft. S and 450 ft. E from the W₄

(N. or S.)

(E. or W.)

corner of Section 26

(Section or subdivision)

being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26 Tp. 3 S R. 9 W W. M., in the County of Tillamook

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
3S	9 W	26											2 ⁰	chg. in pt. of div.				
		27											chg. in pt. of div.		11 ⁰	1 ⁵		
		26											1 ⁰	chg. in pt. of div. & pl. of use				
		27											4 ⁷	chg. in pt. of div. & pl. of use				

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

New POD 20³ ac6. Are you the legal owner of the above described lands? yes

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes8. What is the date of priority of your water right? November 30, 19649. Was your water right acquired by State Engineer's Permit? yes If so, give number

(Yes or No)

of permit 30148

10. Do you hold a water right certificate? yes If so, give number of certificate 35031
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? yes
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
3 S	9 W	27									7 ⁰ 4 ¹				4 ⁷ 1 ⁰			

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 1200 ft. S and 250 ft. W from the W $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of Sec. 26 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27 Tp. 3 S R. 9 W W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Tillamook. The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	FLB	

20. Reasons for the proposed changes are
to irrigate more efficiently

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AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Tillamook } ss.

I, Quentin Borba, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 17th day of May, 1976

Quentin Borba
(Name of applicant)

Subscribed and sworn to before me this 17th day of May, 1976



Margaret K. Winslow
NOTARY PUBLIC FOR OREGON

My commission expires 10-9-78

Remarks _____

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

Permit No. 30148

Transfer No. T-3273

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County Tillamook

AUG 13 1979

PROOF OF APPROPRIATION OF WATER

WATER RESOURCES DEPT
SALEM, OREGON

1. Name Newton L. & Peggy J. Kinkade 2. Address 25930 Blaine Rd., Beaver, OR 97108
3. Source of Supply Nestucca River
Tributary of Pacific Ocean
4. Amount of water 0.24 cubic foot per second 5. Priority date November 30, 1964
6. Use irrigation of 19.6 acres
7. Location of point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T. 3 S., R. 9 W., W. M., 1240 feet South and 270 feet West from the E $\frac{1}{2}$ Corner, Section 7

8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

Change in place of use and point of diversion confirmed for:

4.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
1.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27
T. 3 S., R. 9 W., W. M.

Change in point of diversion confirmed for:

2.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26
11.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
1.5 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27
T. 3 S., R. 9 W., W. M.

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of place of use and point of diversion approved by the order of the Water Resources Director entered December 16, 1976; I know the contents thereof, and that the facts therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of Aug
19 79.

Newton L. Kinkade
Legal Owner of the above described lands

Transfer No. 3273

NOTICE OF COMPLETION OF CONSTRUCTION

I, Guenter Borba hereby certify
that the construction work has been completed and the change in point
of diversion of water made as set forth in the order of the Water Resources
Director dated 2/8/77, approving an application
for a change in point of diversion of water from Nestucca
River.

2/8/77
Date

Guenter Borba
Name

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FEB 10 1977

WATER RESOURCES DEPT
SALEM, OREGON