

4106

Name Keith Obermaier

By _____

Address Route 1, Box 24
Tygh Valley, OR 97063

Change in POU

Date filed Dec. 12, 1978

Date of hearing _____

Place of hearing _____

Date of order 1-5-87 Vol. 34, page 205

Date for application of water 10-1-82

Proof mailed OCT 18 1996

Proof received _____

Certificate issued 4-19-84 Vol. 46, page 5602

FEB 04 1997

74027

to per 1/8

REMARKS

Surveyed 6/19/84 (Jilk)

DESCRIPTION OF WATER RIGHT

Name of stream Middle Fork Gate Creek

Trib. of _____ County of WASCO

Use _____

Quantity of water _____ No. of acres 10²

Name of ditch _____

Date of priority Oct 17, 1921

In name of M.L. Kinney, W.E. Lucas & Mrs. Jessie Lucas

Adjudication, Vol. _____, page _____

App. No. 8128 Per. No. 5651 Cert. No. 8489

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>12-12-78</u>	<u>30 -</u>	<u>7898</u>
TOTAL . . .		
<u>12-12-78</u>	<u>2 Cert. Fee</u>	<u>7898</u>

FEES REFUNDED

Date	Amount	Check No.

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

W.R.I.S.	
Assembled <u>7-9-85</u> by <u>SRB</u>	
Entered _____ by _____	
Verified _____ by _____	

STATE OF OREGON
COUNTY OF WASCO
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROCK CREEK DISTRICT IMPROVEMENT COMPANY
PO BOX 28
WAMIC, OR 97063

confirms the right to use the waters of MIDDLE FORK GATE CREEK, a tributary of WHITE RIVER, for IRRIGATION.

This right was perfected under Permit 5651. The date of priority is OCTOBER 17, 1921. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.44 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

MIDDLE FORK GATE CREEK: SE 1/4 NE 1/4, SECTION 21, T 4 S, R 11 E, W.M.;
1280 FEET NORTH AND 1500 FEET EAST FROM THE CENTER OF SECTION 21.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent.

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 to which this right is appurtenant is as follows:

SW 1/4 SW 1/4	5.0 ACRES
SECTION 15	
NE 1/4 SE 1/4	5.0 ACRES
SECTION 17	
SW 1/4 NW 1/4	5.0 ACRES
SECTION 20	
NW 1/4 NE 1/4	4.0 ACRES
SW 1/4 NE 1/4	8.0 ACRES
NE 1/4 NW 1/4	2.0 ACRES
SE 1/4 NW 1/4	6.0 ACRES
SECTION 28	
TOWNSHIP 4 SOUTH, RANGE 12 EAST W.M.	

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered JANUARY 5, 1981, and supersedes Certificate 52002, State Record of Water Right Certificates.

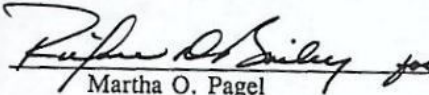
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

SEE NEXT PAGE

T-4106.DEK

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.

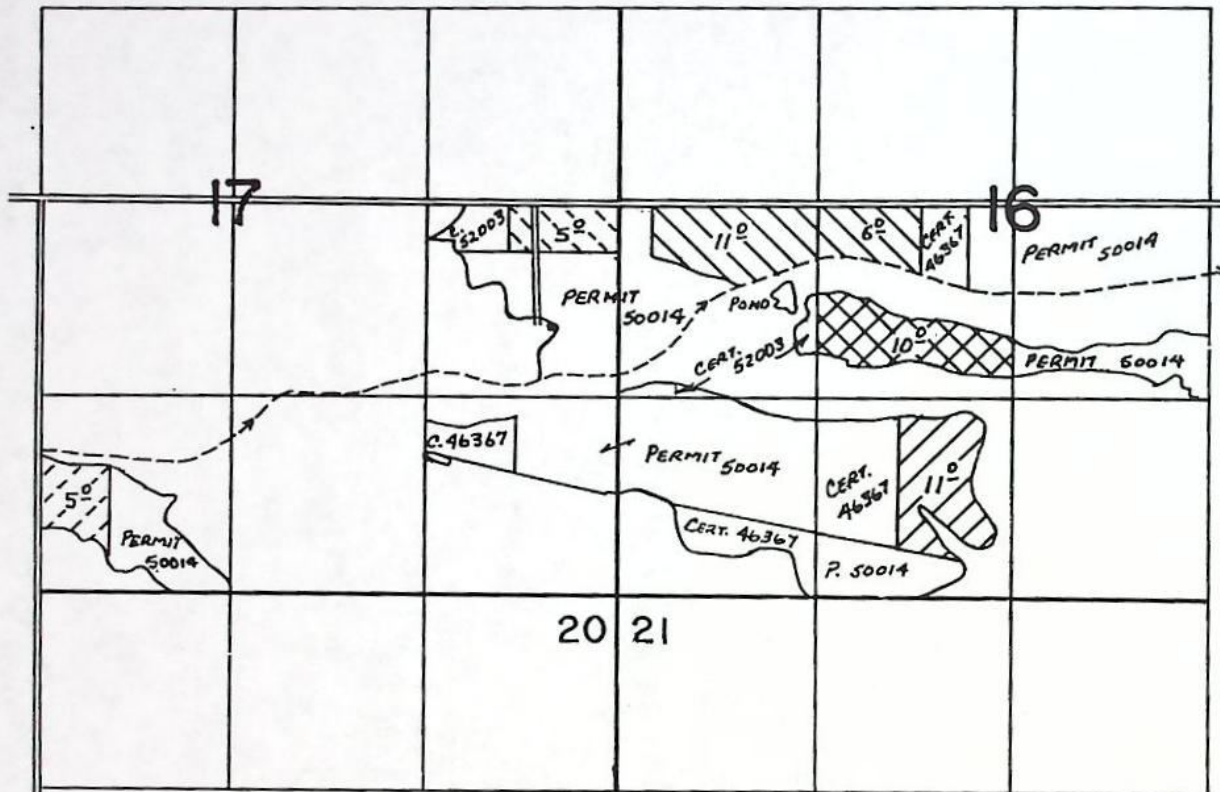
WITNESS the signature of the Water Resources Director, affixed FEBRUARY 4, 1997.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 74027.

T.4S.,R.12E.,W.M.

'PRIMARY RIGHT'



FINAL PROOF SURVEY

UNDER

Transfer No.

Application No. Permit No.

IN NAME OF

.....PHYLLIS MIZNER.....

Surveyed June 19, 1984, by L. Toll.....
June 7 1988 T. Warren

4103

4106

4108

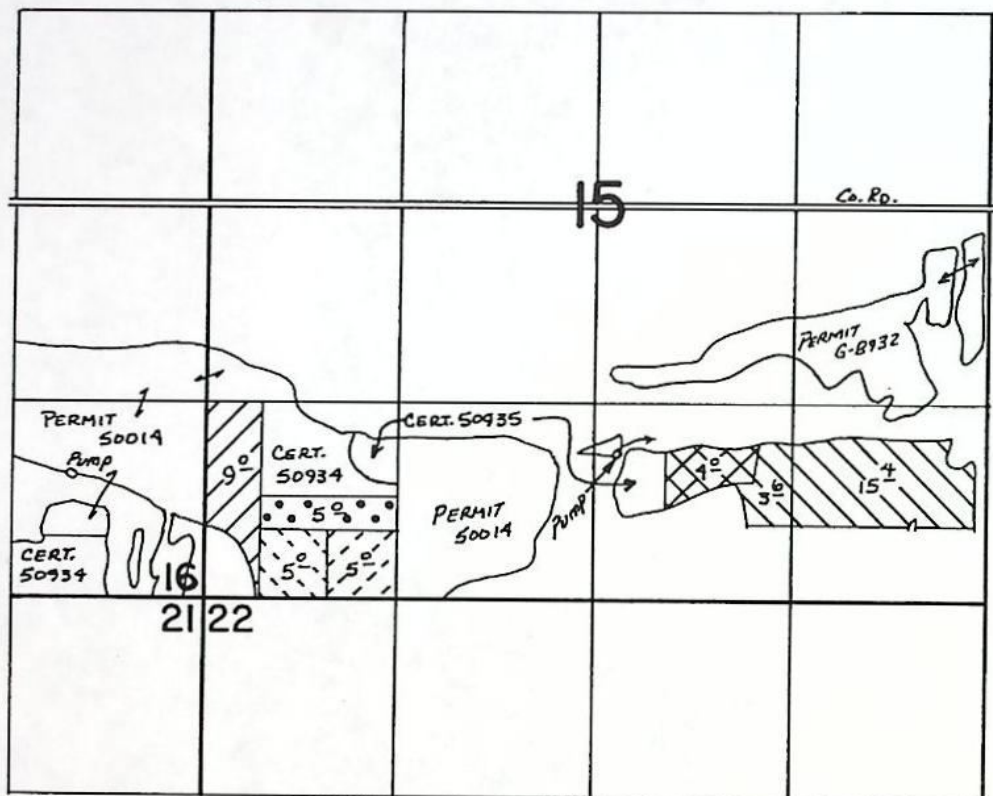
4947

4948



T.4S.,R.12E.,W.M.

'PRIMARY RIGHTS'



FINAL PROOF SURVEY

UNDER

Transfer No.

Application No. Permit No.

IN NAME OF

..... LEO E. JILK

Surveyed June..19... 19.84., by ..L...Toll.....

4101

4103

4105

4106

4107

4108



BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION
OF ROCK CREEK DISTRICT IMPROVEMENT
COMPANY FOR THE APPROVAL OF A
CHANGE IN POINTS OF DIVERSION OF
WATER FROM GATE CREEK, ROCK CREEK
AND THREE MILE CREEK.

O R D E R
APPROVING APPLICATION

On July 23, 1952, the Rock Creek District Improvement Company of Wamic, Oregon, filed an application for the approval of a change in points of diversion of water from Gate Creek, Rock Creek and Three Mile Creeks, pursuant to the provisions of Section 116-606, O. C. L. A.

Rock Creek District Improvement Company, as successor in interest to the Gate Creek and Rock Creek Ditch Company and Three Mile Creek Water Ditch Company and certain individuals, has a right for the irrigation of approximately 1450 acres in Township 4 South, Ranges 12 and 13 East, W. M., from Gate Creek, Rock Creek and Three Mile Creek with dates of priorities ranging from 1870 to 1927. All the lands involved are irrigated through either the Gate Creek ditch, Rock Creek ditch or Three Mile Creek ditch. The present point of diversion of the Gate Creek ditch is within unsurveyed land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, as projected, Township 4 South, Range 11 East, W. M. The present point of diversion of the Rock Creek ditch is located approximately 390 feet north and 130 feet east from the southwest corner of Section 11, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 11, Township 4 South, Range 11 East, W. M., and the point of diversion of the Three Mile Creek ditch is located approximately 1920 feet south and 2520 feet east from the northeast corner of Section 11, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 11, Township 4 South, Range 11 East, W. M.

Volume 7, p 100

The applicant proposes to irrigate all of the lands within the project from three new points of diversion as follows:

- (1) Gate Creek - at a point to be located South $48^{\circ}14'$ West 1865.5 feet from the corner common to Sections 15, 16, 21 and 22, and being within the $NE\frac{1}{4}NE\frac{1}{4}$, Section 21, Township 4 South, Range 11 East, W. M.,
- (2) Rock Creek - at a point to be located South $38^{\circ}57'$ West 1604.9 feet from the quarter corner common to Sections 13 and 14, and being within the $SE\frac{1}{4}SE\frac{1}{4}$, Section 14, Township 4 South, Range 11 East, W. M.,
- (3) Three Mile Creek - at a point to be located South $33^{\circ}16'$ West 870.6 feet from the corner common to Sections 2, 3, 10 and 11, and being within the $NE\frac{1}{4}NE\frac{1}{4}$, Section 10, Township 4 South, Range 11 East, W. M.,

Notice by publication as provided by Section 116-606, O. C. L. A., was given in The Dalles Optimist, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks, being the issues of August 7, 14 and 21, 1952. The time fixed for hearing upon such application as stated in the notice, namely: October 1, 1952, was not less than thirty days after the last publication of said notice.

No objections having been filed and it appearing that the proposed change in point of diversion 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 points of diversion, to-wit:

- (1) Gate Creek - from a point located in unsurveyed land in the $NW\frac{1}{4}SW\frac{1}{4}$, Section 17, as projected, Township 4 South, Range 11 East, W. M.,
- (2) Rock Creek - from a point located approximately 390 feet north and 130 feet east from the southwest corner of Section 11, and being within the $SW\frac{1}{4}SW\frac{1}{4}$, said Section 11, Township 4 South, Range 11 East, W. M., and
- (3) Three Mile Creek - from a point located approximately 1920 feet south and 2520 feet east from the northeast corner of Section 11, and being within the $SE\frac{1}{4}NW\frac{1}{4}$, said Section 11, Township 4 South, Range 11 East, W. M.,

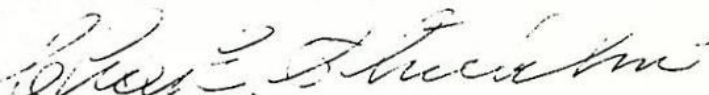
- (1) Gate Creek - to a point to be located South $48^{\circ}14'$ West 1865.5 feet from the corner common to Sections 15, 16, 21 and 22, and being within the $NE\frac{1}{4} NE\frac{1}{4}$, Section 21, Township 4 South, Range 11 East, W. M.,
- (2) Rock Creek - to a point to be located South $38^{\circ}57'$ West 1604.9 feet from the quarter corner common to Sections 13 and 14, and being within the $SE\frac{1}{4} SE\frac{1}{4}$, Section 14, Township 4 South, Range 11 East, W. M., and
- (3) Three Mile Creek - to a point to be located South $33^{\circ}16'$ West 870.6 feet from the corner common to Sections 2, 3, 10 and 11, and being within the $NE\frac{1}{4} NE\frac{1}{4}$, Section 10, Township 4 South, Range 11 East, W. M.,

for the irrigation of approximately 1450 acres in Township 4 South, Ranges 12 and 13 East, W. M., with dates of priorities ranging from 1870 to 1927, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1953 or such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

Dated at Salem, Oregon this 20th day of November 1952.

Noted on Decree
Vol. 7, p. 213
Cert. 7246


CHAS. E. STRICKLIN
State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF KEITH J. OBERMAIER FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER)

ORDER APPROVING
TRANSFER 4106

On December 12, 1978, an application was filed in the office of the Water Resources Director by Keith J. Obermaier for approval of a change in place of use of water from Middle Fork Gate Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 8489, Volume 8, State Record of Water Right Certificates, in the name of M.L. McKinney, W.E. Lucas and Mrs. Jessie Lucas, describes a right which includes the use of not to exceed 0.125 cubic foot per second from Middle Fork Gate Creek for irrigation of a certain 10.0 acres in NE 1/4 SW 1/4, Section 20, Township 4 South, Range 12 East, WM, with a date of priority of October 17, 1921. *from*

Water for the said right is diverted, through the Rock, Threemile and Gate Creek Ditches, from points located in the SW 1/4 SE 1/4, Section 14, NE 1/4 NE 1/4, Section 10, NW 1/4 SW 1/4, Section 12, and SE 1/4 NE 1/4, Section 21, Township 4 South, Range 11 East, WM; Rock Creek-1000 feet North and 1200 feet East from the S 1/4 Corner Section 14, Threemile Creek-726 feet South and 528 feet West from the Northeast Corner, Section 10, 2550 feet North and 1250 feet East from the Southwest Corner, Section 12, North Fork Gate Creek-1280 feet North and 1500 feet East from the Center, Section 21.

The applicant proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 5.0 acres in SW 1/4 SW 1/4, Section 15 and 5.0 acres in NE 1/4 SE 1/4, Section 17, Township 4 South, Range 12 East, WM.

Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1982.

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 M.L. McKinney, W.E. Lucas and Mrs. Jessie Lucas and recorded at page 8489, Volume 8, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to Rock Creek District Improvement Company.

Dated at Salem, Oregon this 5th day of January, 1981.


JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF

WASCO

Recorded by
Cert. No.

74027

CERTIFICATE OF WATER RIGHT

This Is to Certify, ThatM.L. KINNEY, W.E. LUCAS and
JESSIE LUCAS

of Wamic, State of Oregon 97063, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Middle Fork Gate Creek

a tributary of White River for the purpose of
irrigation of 35.0 acres

under Permit No. 5651 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
October 17, 1921
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
0.44 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 NW 1/4 SE 1/4, Section 13, T4S, R10E, WM;
877 feet South and 2100 feet West from E 1/4 Corner Section 13.

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 in case of rotation

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:

SEE NEXT PAGE

5.0 acres SW 1/4 NW 1/4
10.0 acres NE 1/4 SW 1/4
Section 20

4.0 acres NW 1/4 NE 1/4
8.0 acres SW 1/4 NE 1/4
2.0 acres NE 1/4 NW 1/4
6.0 acres SE 1/4 NW 1/4
Section 28

Township 4 South, Range 12 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 8489, Volume 8, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 13, 1984, approving Transfer Application 5423.

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 the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to minimum flows established by the Water Policy Review Board with an effective date prior to this right.

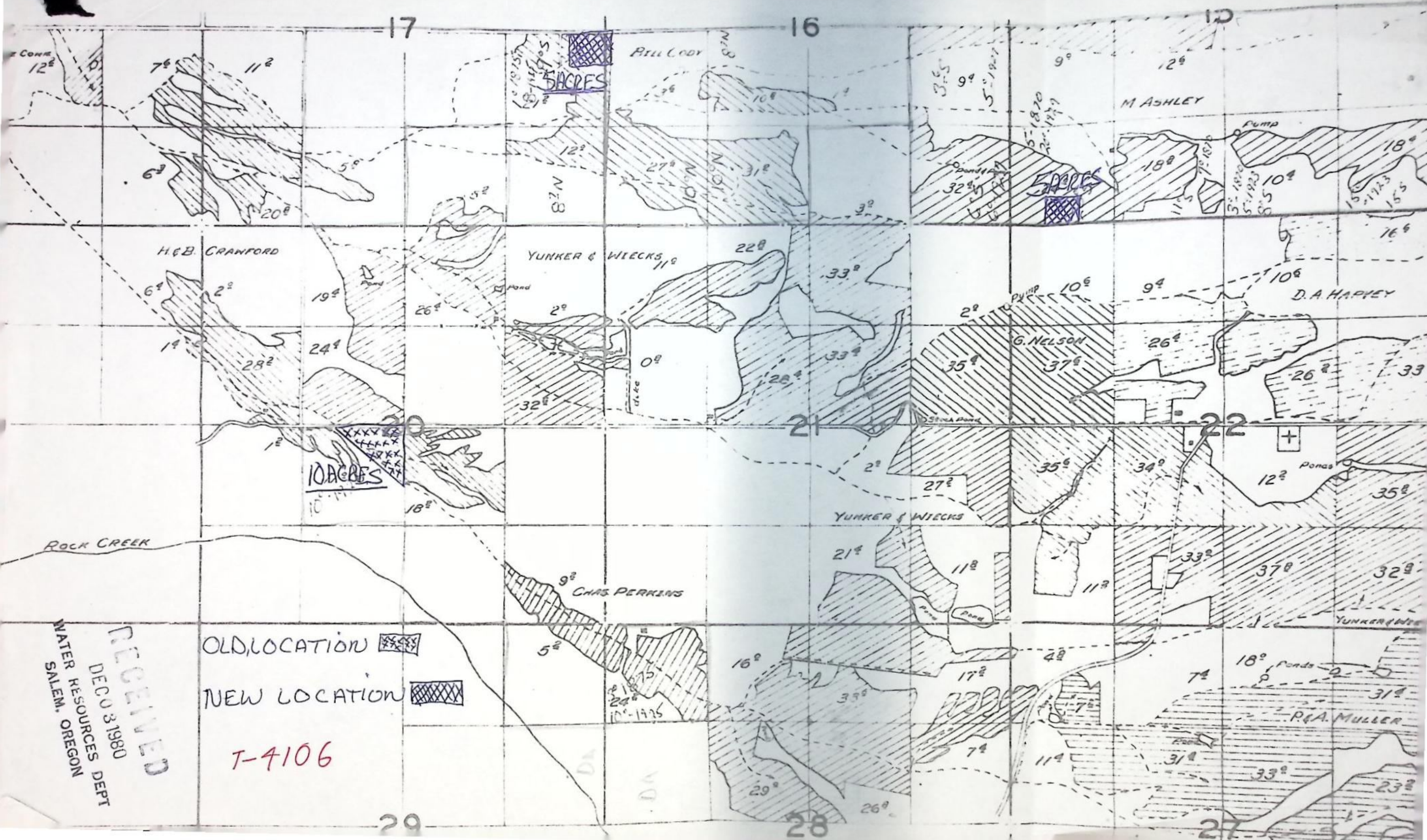
WITNESS the signature of the Water Resources Director, affixed

this date. April 19, 1984

..... William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46 , page 52002

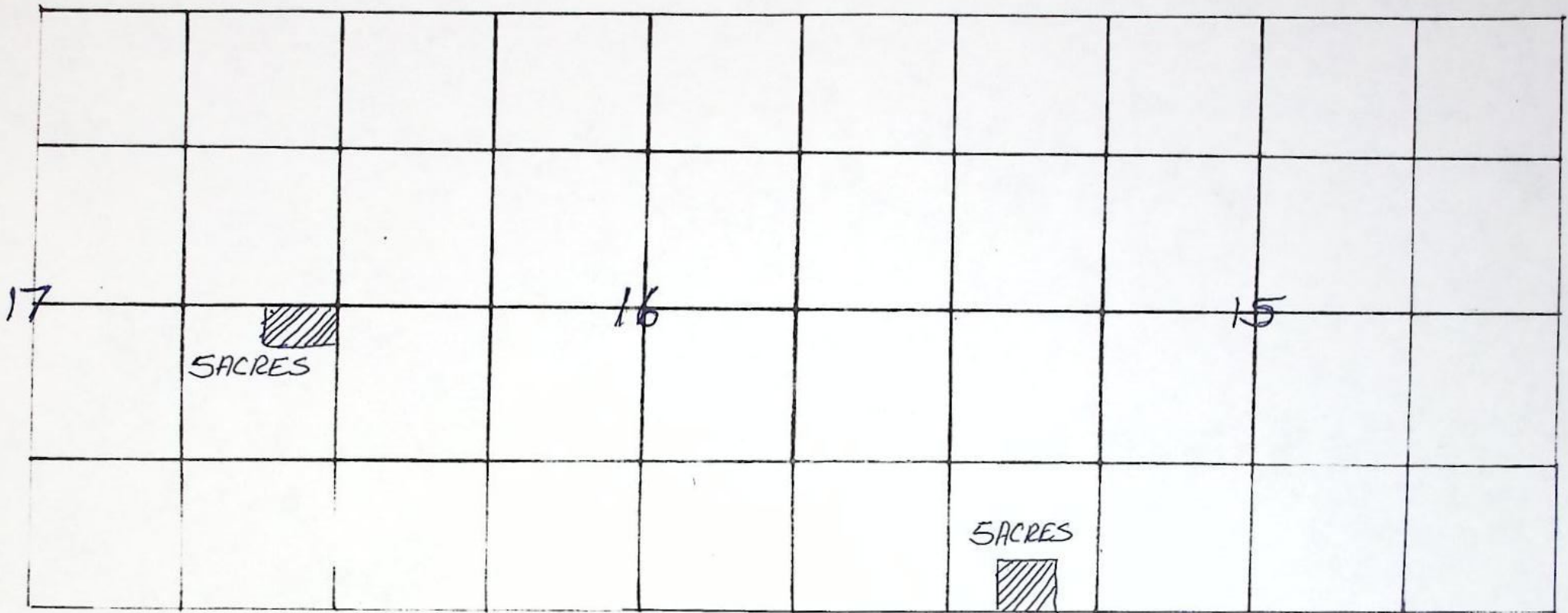


RECEIVED
DEC 03 1980
WATER RESOURCES DEPT
SALEM, OREGON



OLD LOCATION [hatched box]
NEW LOCATION [hatched box]

T-4106

T-4106



RECEIVED
DECO 31980
WATER RESOURCES DEPT
SALEM, OREGON

Application MAP For ~~OLD LOCATION~~ 
PERMIT 5651
CERT. 8489
Keith Obermaier
Scale 4" = 1 mile
~~NEW LOCATION~~ 

WRT-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. 1000041061 PERMIT NO. 005651 CERTIF. NO.
 ORIG. NO. A000081281 PREV. NO. A000081281 SUPER. NO.

NAME: KEITH J. OBERMAIER

ADDRESS: 960 CAMINO SANTANDER

CITY/STATE/ZIP/COUNTY: SANTA FE, NM 87501

33

STREAM-ID 05 1980 0520 0120 030 —

RIV. MI.

WM. DIST. 03 W.R. TYPE SA STATUS V

CANCEL YEAR--->

CONSTR. COMPLT---> 01 15 1981

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 10 17 1921

PUT TO USE-----> 01 15 1981

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION---> 12 12 1978

SURVEYED-----> 06 19 1984

EXAM. FEE----->

RECORDING FEE----->

PERMIT ISSUE---> 01 05 1981

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> 01 05 1981

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA:
 TWP/SP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

 ** REMARKS; - - - - ->
 ** DATED-->

 ** CHANGES PDV PART OF C-8489,
 ** (NOT CANCELED).

**

**

**

**

**

 PLACE-OF-USE DATA:
 TWP/SP RNGE SECT QTR/QTR CNTY

USE % CNSMTV ACRES

STATUS S OR P

0905 120E 15 C C 33 1R 100 5.00

V P

1 1 17 D A

5.00

1 1

W.R.I.S.


Assembled 4-9-85 by SDA


Entered by


Verified by

WFO
LEO JICK - SHOWED US PLACE OF USES

DIV - Water is ~~DELIVERED~~ THRU ROCK CREEK IMP. CO. SYSTEM.

SYSTEM - LAND HATCHURED  IS IRRIGATED FROM A PUMP ON A POND AT THE END OF A LATERAL DITCH IN THE SE⁴ SE⁴ SEC 16

LAND ~~REPT~~ HATCHURED  IS IRRIGATED FROM A PUMP ON A POND AT THE ^{BOTTOM} ~~END~~ OF A DRAINAGE. POND IN SW⁴ SE⁴ SEC 15

LAND HATCHURED  IS IRRIGATED FROM A WELL AT SOUTH SIDE OF POND, WATER FROM WELL PUMP INTO POND AND RE-PUMP FROM POND

EQUIPMENT

Pump - Jacuzzi DDC 4x3 @ Pond SE⁴ SE⁴ SEC 16

Motor - U.S. 15 H.P. @ 3500

Pump - Jacuzzi DDC 4x2 1/2 @ Pond near well

Motor - Baldor 15 H.P. @ 3450 RPM

Pump - ¹⁰ ~~5~~ H.P. submersible 2 1/2 DISCH on well

PIPE 2700 5" Alum Main

1020' 4" wheel line

2540' 3" Alum Lat

HEADS 90 RB 30 1/4 x 0

so off ~~pump~~ either pond pump well open discharge to well

USE - Wheat, Hay
LIFT - Check Quads
TIE - 41065-179-219 L

NOTES THE LAND SURVEYED WAS ENTIRE BOUND-
-ARIES OF FIELDS THAT HAVE TRANSFERRED RIGHTS
INTO THEM. PLUS LAND IRR. FROM WELL
BOUNDARY BETWEEN JILK AND BOYMER IS THE W LINE
OF THE ~~E~~ E $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 16.

Harry Zell
WRB
6/19/84

NOTE: WHEN DRAFTING, EXCESS LANDS SHOULD BE
COVERED BY EXISTING OR NEW RIGHTS.


During the spring of 1987 I worked with
Leo a couple of times in a ~~effort~~
attempt to get these transfers straightened out.


Harry Zell

6/88 PHYLLIS MIZNER (Contract owner)
OAK ACRES INC
P.O. Box 148
Sandy OR 97055


INFO - MR & MRS MIKE BOYMER Rt. 1 Box 24
Buying property from Obermaier Tygh Valley 97063

DIV - WATER IS DELIVERED THRU ROCK CREEK
IMP. Co. SYSTEM

SYSTEM - LAND HATCHURED  IS IRRIGATED
BY GRAVITY FROM A POND IN THE SE⁴ SE⁴
SEC 17

LAND HATCHURED  IS IRRIGATED
BY A DIESEL PUMP FROM A POND
IN THE NW⁴ SW⁴ SEC 16.

EQUIPMENT -

Pump - Cornell DDC 5x3
Motor - DEUTZ DIESEL 3cy1 52 H.P @ 2300 RPM


PIPE ~~APPROX~~ 3000' BURIED MAINLINE
180' 5" ALUM MAIN
420' 4" ALUM MAIN
180 3" " "
~~2500~~ 3" ALUM LAT
+ 820'
4360'

HEADS - 40 RB 30' 5/32" x 0 ALL RUNNING BY GRAVITY
20 RB 30' 5/32" x 0 3 LINES 0 PSI @ MAINLINE
IN STATE OF DISREPAIR 22 PSI @ END OF LINE
45 RB 30' 5/16" x 0

(ALL HEADS RUNNING FOR MAX USE) (per DARRELL ASHLEY)
From N. side

USE - ALFALFA, HAY

LIFT - SEE QUADS

TIE - 41065-179-219 L

PHOTOS 41065 379-5L & 5R
SHOW DITCHES FROM ROCK
CREEK REE TO PROPERTY

NOTE: PONDS ~~ARE~~ FILL WITH ROCK CR. IMP. CO. water
FOR IRRIGATION. THE AREAS ~~ARE~~ MAPPED
IS WHERE BEYMER SAID ALL TRANSFERRED LAND
SHOULD BE. ~~THE~~ ONE TRANSFER⁽⁴¹⁰⁸⁾ PUTS LAND
IN THE SE⁴ SW⁴ SECTION 17, BEYMER WANTS THIS
LAND IN THE FIELD GRAVITY IRR.

Larry Jell
WLB
6/27/84

INFO: DARRELL ASHLEY. This is first year
he has been on place but he intends to irrigate
boundaries as surveyed. Since Beymer's left, irrigation
from both ponds is by the same pump which is
moved between them. Boundaries of use from each
~~the~~ pond surveyed by LNT remain the same; ^{however} I
deleted small area above ditch in NE⁴ SE⁴ SEC. 17
because it has only been flooded from existing ditch.
Land in SE⁴ SW⁴ was flooded by Beymer, but only for
pasture. I located boundaries as best I could from
photo. 45 more RB 30's are presently on place to be used
by Ashley. (SEE EQUIP.
INVENTORY).

Thompson M. Wanner
6/17/83 W. R. E.

RECEIVED

JAN 15 1981

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use of water from Middle Fork Gate Creek

PURSUANT TO TRANSFER APPLICATION NO. 4106

I, Keith Obermaier, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by Jan 12, 1981.

1/12/81
Date

Keith J. Obermaier
Signature

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

RECEIVED

NOV 17 1980

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

DEC 03 1980

WATER RESOURCES DEPT
SALEM, OREGON

T-4106

RECEIVED

OCT 23 1980

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Keith Obermaier (Name of applicant)
 of RT1 Box 24 (Mailing address), Tygh Valley (City),
 State of Oregon, 97063 (Zip Code), 544 2184 (Phone number), do hereby make application for change
Place of Use
 (in point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No, M.L. Kinney W.E. Lucas, Jessic Lucas
 (If not, give name)
 2. Was your water right determined by Decree of Court? No If so, give title of proceedings
 (Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number
 (Yes or No)
 of permit 5651 Number of certificate 8489

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Middle fork Gate Creek
 5. What is the date of priority of your water right? 10-17-21
 6. The authorized point of diversion is located 877 ft. S and 2100 ft. N from the E 1/4
 (N. or S.) (E. or W.)
 corner of Section 13 being within the NW 1/4 SE 1/4 of Section 13 Tp. 4S R. 10 W. M.,
 (No. N. or S.) (No. E. or W.)
 in the county of Wasco The name of the ditch used is Rock Cr. Dist. Imp. Co. Gate AND Rock Cr Ditches.

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
 (N. or S.) (E. or W.)
 corner of _____ being within the _____ 1/4 _____ 1/4 of Section _____ Tp. _____ R. _____ W. M.,
 (No. N. or S.) (No. E. or W.)
 in the county of _____ The name of the ditch to be used is _____

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
4S	12E	20	SW¼ NE¼ NE¼ SW¼	10.0 10.0 <i>Abstract of map shows NE SW</i>

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? NO
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
MORTGAGE	Bill Cody	\$200,000

13. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
4S	12E	15	SW¼ SW¼	5.0 ✓
		15	SW¼ NE¼	5.0
			<i>One map shows NE SE One map shows SW SE</i>	
		17	NE¼ SE¼	5.0

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are Changing Location of
Water as agreed in Sales Contract.

15. Construction work will be completed on or before There is none needed

16. The water will be completely applied to the proposed use on or before 10-179

Remarks _____

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Keith Obermaier, 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 20 day of Oct, 1980

Keith Obermaier
(Name of applicant)

Subscribed and sworn to before me this 20 day of October, 1980

[Notarial Seal]

Kauf Minnott
NOTARY PUBLIC

My commission expires Sept. 17, 1984

T-4106

TOWNSHIP

45

RANGE

12E

W. M.

Card #1

SECTION

15

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
3																Decree, Vol. 7	196	5738
																		5385
																superceded by		
																Cart. 724.5		5776
																196		
																5 15	5879	8413
																11862	8250	11098
																12477	8827	CANCELLED
																Decree, Vol. 7	196	7245
																13088	15165	below
																17838	15519	46367
																17838	15519	46367
																13088	15165	20243
																17838	15519	26642
																34734	21390	46368

TOWNSHIP

45

RANGE

12E

W. M.

Card #2

SECTION

15

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
				4	5 ²⁴											34734	27390	46368
Mun																G 1913	G 1759	35046
																H5212	33228	
																D-136	X.18, P.10	46532
																D-135	X.18, P.13	46530
																D-137	X.18, P.15	46531
																53066	39616	
																G-8033	G 7434	
																G-8397	G 7735	
																G-9046	G 8397	4
																G-9518	G 8932	
																T-4106	IN	
												</						

T-4106

TOWNSHIP 45 RANGE 12E W. M. Card #1SECTION 17

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
			4.2												11			5385
			6'													Superseded by Cert # 171554		5966
						2										Decree, Vol. 7 Page 196 4109 2320		2324
										7.6						Decree, Vol. 7 Page 196		5775
																Superseded by Cert. 7246		5976
														8		Vol. 7 Page 196 10180 6807		8417
										10						4 4104 2361		
														1		Decree, Vol. 7 Page 196		7246
			5.2													13058 15165		
																Stock Stock Don 9		
																Supplemental 17838 15519		46367
																8 17838 15519		46367
			6'													Trs. Sp. Or. Vol. 6 Page 69		
5.0			7.0													Superseded by T-4106 1N		25166

TOWNSHIP 45 RANGE 12E W. M. Card #2SECTION 17

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
	1.1			3.2	5											34734	27390	46368
				4.2												34734	27390	46368
																Supplemental 45212 33225		
				4.2								11.0				D-135 Y.18P.13		46530
5.0				7.0												D-137 Y.18P.15		46531
																53066 39416		
												5.0				T-4106 1N		

SECTION 20[illegible]



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 12-11-80

RECEIVED

DEC 15 1980

WATER RESOURCES DEPT
SALEM, OREGON

FROM: WATERMASTER, DISTRICT NO. 3

(signature) Thomas J. PO

SUBJECT: Water Right Transfer Application No. 4106 for change in (POU, POD, Use of water

In the name(s) of Keith Obermaier

In my opinion (assuming the water right is valid), the proposed change

MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY*~~ to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the source(s) which serve(s) this right.If for change in point of diversion, is there any intervening point(s) of diversion between the authorized and proposed points of diversion? _____
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- ____ (1) PRIOR to the diverting of water at the new point of diversion
- X (2) WHEN IN the judgment of the watermaster it becomes necessary

The enclosed copy of the transfer application and map(s) are for your records.

Contains
Recycled
Materials

91-125-1387

SP*75683-125

Abstract of Permit No. 5651

5

Application No. 8128

Certificate No. 8489

Name L. L. Kinney, W. E. Lucas and Mrs Jessie Lucas,

Address Vanic, Oregon.

Source of water supply Middle Fork Gate Creek, a tributary of White River.

Use Irrigation.

Point of diversion

877' S. and 2100' W. of $\frac{1}{4}$ sec. cor. of the W. line of Sec. 18, T. 4 S., R. 11 E. Being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 13, T. 4 S., R. 10 E.W.M.

Number of acres

40.

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	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 $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
4 S	12 E	20							10		10							
		28		4	8					6								

Priority date October 17, 1921.

Amount of water 0.5 cfs.

Time limit to begin construction

Time limit to complete construction

extended to

extended to

Time limit to completely apply water

extended to

extended to

Remarks:

RECEIVED

DEC 03 1980

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

NOV 17 1980

WATER RESOURCES DEPT
SALEM, OREGON

NOV 17 1980

WATER RESOURCES DEPT

SALEM, OREGON

RECEIVED

Hock Cr. M.S.



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-800-452-7813

November 20, 1980

Keith J. Obermaier
960 Camino Santander
Santa Fe, New Mexico 87501

Dear Mr. Obermaier:

REFERENCE: Files Numbered T-4101 to 4108

Most of your applications and maps now agree. However, the locations of two of the parcels are still in doubt, and the size of one parcel listed in one of your applications appears to be incorrect.

I have attached notes to the applications identifying what appears to be questionable, and am returning the applications and maps.

Please check and correct as necessary. The maps should be drawn as accurately as possible, and should show the exact size and location of rights being moved.

Your original transfer applications 4102 and 4104 cited certificates 11098 and 7245, respectively. The revised applications make no mention of these certificates. Are these two applications to be withdrawn?

Please advise so I can act accordingly.

Your applications show 68.0 acres primary and 34.6 acres supplemental water being moved. Is this the correct total?

I am enclosing a copy of the part of our transfer instructions that pertains to maps. You may wish to get help from an engineer or surveyor in preparing accurate maps.

Sincerely,

Samuel R. Allison

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc
2972A



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: November 8, 1978, 19__.

FROM: ** Tom Paul

RECEIVED

DEC 12 1978

WATER RESOURCES DEPT.
SALEM, OREGONSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4106IN THE NAME OF Keith Obermaier

In my opinion the proposed change in PLACE OF USE
MAY BE MADE WITHOUT INJURY ~~XXXXXXXXXXXXXXXXXXXX~~ to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? NO
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
 X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

** *TP*
Watermaster's signature or initials

RECEIVED

JUN 10 1980

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUN 9 1980

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

DEC 12 1978

WATER RESOURCES DEPT.
SALEM, OREGON

T-4106

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Keith Obermaier

(Name of applicant)

of Route 1, Box 24

(Mailing address)

Tygh Valley

(City)

State of Oregon

97063

(Zip Code)

544-2184

(Phone number)

do hereby make application for change

Place of Use

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

1. Is the water right recorded in your name? No, M.L. Kinney, W.E. Lucas, Mrs. Jessie Lucas
(If not, give name)

2. Was your water right determined by Decree of Court? NO If so, give title of proceedings
(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? YES If so, give number
(Yes or No)

of permit 5651 Number of certificate 8489

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Middle fork Gate Creek

5. What is the date of priority of your water right? 10-17-21

6. The authorized point of diversion is located 877 ft. S and 2100 ft. N from the E
(N. or S.) (E. or W.)

corner of Section 13 being within the NW 1/4 SE 1/4 of Section 13 Tp. 4 S. R. 10 E W. M.
(No. N. or S.) (No. E. or W.)

in the county of WASCO The name of the ditch used is Rock Cr. Dist. Imp. Co.
Gate and Rock Cr. Ditches

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)

corner of _____ being within the _____ 1/4 _____ 1/4 of Section _____ Tp. _____ R. _____ W. M.,
(No. N. or S.) (No. E. or W.)

in the county of _____ The name of the ditch to be used is _____

exam 2000
PCC 1000
3000

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
4 S	12 E	20	NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? YES
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? NO
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
MORTGAGE	Bill Cody	\$308,000

13. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
4 S	12 E	15	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.5
		16	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8.5

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are Changing location of water as agreed in
..... sales contract

15. Construction work will be completed on or before There is none needed

16. The water will be completely applied to the proposed use on or before 10-1-79

Remarks

THIS APPLICATION PREPARED BY:

Thas PR
FROM INFORMATION FURNISHED BY
THE APPLICANT.

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Keith J. Obermaier, 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 11th day of DECEMBER, 1978.

Keith J Obermaier
(Name of applicant)

Subscribed and sworn to before me this 11th day of DECEMBER, 1978.

[Notarial Seal]

Thas PR

NOTARY PUBLIC FOR OREGON

My commission expires 3-18-80

RECEIVED

JUN 11 1980

T-9106

RECEIVED

JUN 9 1980

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Leo E. Jilk (Name of applicant)
 of Rt. 1 Box 5B (Mailing address), WARMIC (City),
 State of Oregon (Zip Code) 97063, 544-2185 (Phone number), do hereby make application for change
place of use
 (In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? no, M.L. Kinney, W.E. Lucas, Mrs. Jessie Luca (If not, give name)
 2. Was your water right determined by Decree of Court? no If so, give title of proceedings (Yes or No)

number of certificate
 3. Was your water right acquired by Water Right Permit? yes If so, give number (Yes or No)
 of permit 5651 Number of certificate 8489

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Middle Fork Gate Creek
 5. What is the date of priority of your water right? 10/17/21
 6. The authorized point of diversion is located ft. (N. or S.) and ft. (E. or W.) from the corner of being within the 1/4 1/4 of Section Tp. R. W. M., (No. N. or S.) (No. E. or W.)
 in the county of WASCO The name of the ditch used is GATE ROCK

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located ft. (N. or S.) and ft. (E. or W.) from the corner of being within the 1/4 1/4 of Section Tp. R. W. M., (No. N. or S.) (No. E. or W.)
 in the county of The name of the ditch to be used is

8. The use to which the water is applied is
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands?
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse?
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is Irr, Stock & Domestic
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
45	12E	15	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	5.0

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

15. Construction work will be completed on or before

16. The water will be completely applied to the proposed use on or before 10/1/80

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Leo E. Jilk, 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 8th day of May, 1980

Leo E. Jilk
(Name of applicant)

Subscribed and sworn to before me this 8th day of May, 1980

Nita L. Woodcock
NOTARY PUBLIC FOR OREGON

[Notarial Seal]



My commission expires Sept. 28, 1983