

4180 Kinzey

Name Marvin L. & Erma Kinzey

By _____

Address Route 1, Box 26

Tygh Valley, OR 97063

Change in POD

Date filed March 26, 1979

Date of hearing May 24, 1979

Place of hearing The Dalles

Date of order 5-31-79 Vol. 32, page 172

Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued DEC 29 1989 Vol. _____, page 63818

67110

OK cert

Survey 8/79

FINIS

REMARKS

See Transf. 0-40 for remaining right under cert #17155

4180

DESCRIPTION OF WATER RIGHT

Name of stream Threemile Creek

Trib. of _____ County of Wasco

Use _____

Quantity of water _____ No. of acres 6⁷⁵

Name of ditch Jacob Spath Ditch

Date of priority 1898

In name of _____

White River Adjudication, Vol. 7, page 223

App. No. _____ Per. No. _____ Cert. No. 17155

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-26-79</u>	<u>8.55</u>	<u>9873</u>
TOTAL . . .		
	Cert. Fee	

The Dalles Chronicle #36.67 pd 4/30/79 ck #3364

FEES REFUNDED

Date	Amount	Check No.
<u>4-30-79</u>	<u>13³³</u>	<u>3365</u>

Cert. Fee on
Tr 0-40

EX 20 -
POD 15 -
POD 36⁶⁷
71⁶²
85.83
71.67
13.33

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

WRIS
Assembled <u>4-25-85</u> by <u>SP</u>
Entered _____ by _____
Verified _____ by _____

304

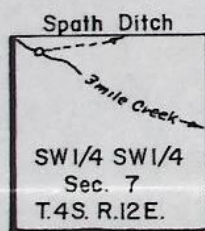
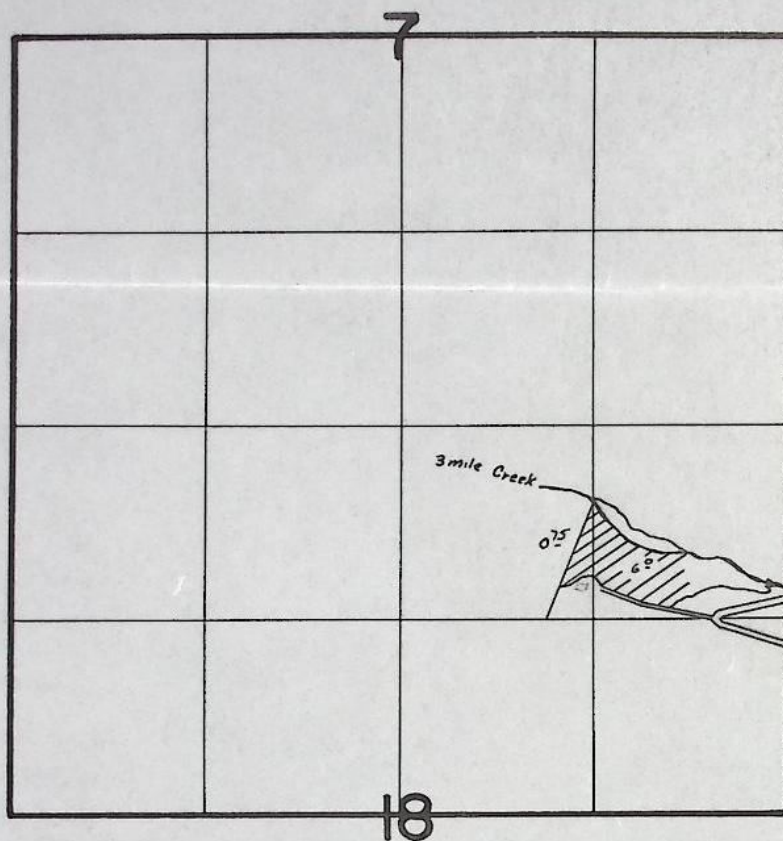
RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON

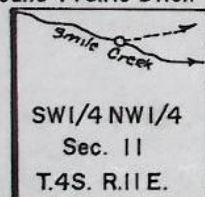
T-4180

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



Div. Pt. Loc. 1200' N & 200' E
Fr SW. cor Sec. 7

Round Prairie Ditch



Div. Pt. Loc. 1530' S & 4580' W
Fr NE Cor Sec. 11

Application Map For

*not used w/ above mentioned transfers.
cert only lists P.O.D.*

MARVIN L. & ERMA
KINZEY

THIS MAP PREPARED BY:

[Signature]
FROM INFORMATION FURNISHED BY
THE APPLICANT.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF MARVIN L. & ERMA KINZEY FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4180

On March 26, 1979, an application was filed in the office of the Water Resources Director by Marvin L. and Erma Kinzey for approval of a change in point of diversion of water from Threemile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 17155, Volume 14, State Record of Water Right Certificates, in the name of Marvin L. Kinzey, describes a right which includes the use of water from Threemile Creek for irrigation of a certain 6.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.75 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 4 South, Range 12 East, W.M., with a date of priority of 1898.

Water for the said right is diverted, through the Jacob Spath Ditch, from a point located 1200 feet North and 200 feet East from the Southwest Corner of Section 7, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 4 South, Range 12 East, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 1530 feet South and 4580 feet West from the Northeast Corner of Section 11, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 4 South, Range 11 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of April 3, 10 and 17, 1979.

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

No objections having been filed and it appearing that the proposed change in 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 change in point of diversion, as 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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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;

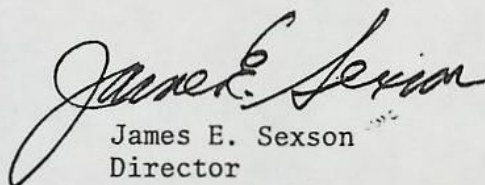
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

The order of the State Engineer entered April 15, 1965, approving transfer No. O-40, provided for cancellation of the certificate of water right recorded at page 17155, Volume 14, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that no new certificate be issued as provided by the order entered April 15, 1965, approving transfer No. O-40; and 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, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 31st day of May, 1979.


James E. Sexson
Director

STATE OF OREGON
COUNTY OF WASCO
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARVIN L. and ERMA KINZEY
ROUTE 1, BOX 26
TYGH VALLEY, OREGON 97063

confirms the right to use the waters of THREE MILE CREEK, a tributary of WHITE RIVER, for IRRIGATING 6.75 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for WASCO County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 7, at Page 196. The date of priority is 1898.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 11, T 4 S, R 11 E, W.M.; 1530 FEET SOUTH AND 4580 FEET WEST FROM THE NE CORNER OF SECTION 11.

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 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The right is further restricted by those limitations contained in paragraph 24 of said decree.

The quantity of water diverted at the new point of diversion, listed above, shall not exceed the quantity of water available at the Jacob Spath Ditch, the old point of diversion.

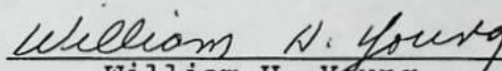
A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 NE 1/4 6.00 ACRES
NW 1/4 NE 1/4 0.75 ACRE
SECTION 18
TOWNSHIP 4 SOUTH, RANGE 12 EAST, W.M.

This certificate is issued to supersede certificate 63818 which was intended to confirm a change in point of diversion approved by an order of the Water Resources Director entered May 31, 1979 approving transfer application 4180, and together with certificate 67110, supersedes certificate 17155, 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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed
JANUARY 30, 1992.


William H. Young

Recorded in State Record of Water Right Certificates numbered 67112.

T-4180.VRG

: POD
POU
USE
Add'1 POD

County Wasco

1. Name Martin L. & Erna Künzler
Address Rt 1, Box 26, Tygh Valley, OR 97063

3. Use irrigation

5. Proposed Point of Diversion 1530'S & 4580' W from NE Corner of Sec. 11,
within SW⁴NW⁴, Sec. 11, T4S, R7E, WM

7. Place of Use:

[illegible]

Howard Kinzen
white Salmon

Info: Personal observation, found proposed P.O.D. on 3 mile creek

(SEC. 11)
95, 116

but on visiting P.O.D., couldn't find water being delivered from that P.O.D. Found main line from apparent Spoth ditch P.O.D. need to talk to Kinzey's

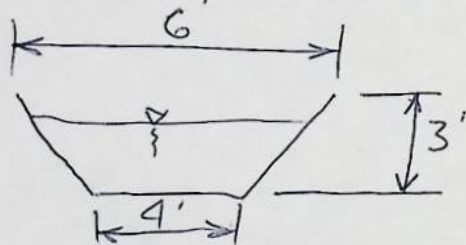
smw
6/24/87

Info: Marvin L. & Emma Kinzey (Marvin is deceased)

- Same address -

Talked w/ Marvin's brother Maynard who stated that Marvin flood irr'd w/in the terms of the permit & that he now gravity irr's. Howard Kinzey (Marvin's son is now the owner & lives in White Salmon, WA - address unk.)

Ditch Pt.: 12' conc. dam w/ pull boards & 4' screwgate.



Ditch

Velocity @ 1.42 fps

Tie: Inspection

10-18-88

H. Kinzey

Owner & Check F.L.

$$\begin{array}{r} 1.42 \\ 7 \overline{) 10} \\ \underline{7} \\ 30 \\ \underline{28} \\ 20 \end{array}$$

THREEMILE CR → WHITE R

WRJT-0982-01

*** 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. 1000041801 PERMIT NO. 007223 CERTIF. NO.
 ORIG. NO. C000057661 PREV. NO. C000171551 SUPER. NO.

NAME: MARVIN & ERMA KINZEY

ADDRESS: RT1, Box 26

CITY/STATE/ZIP/COUNTY: TYGH VALLEY, OR 97063 33

STREAM-ID 05 1980 0520 0080

RIV. MI.

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

CANCEL YEAR----

CONSTR. COMPLT--> 0817 1979

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1898

PUT TO USE-----> 0817 1979

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 03 26 1979

SURVEYED----->

EXAM. FEE----->

RECORDING FEE----->

PERMIT ISSUE--> 05 31 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 05 31 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

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

RIV. MI.

RATE

STATUS S OR P

0905 110E 11 B C 05 1980 0520 0080

0.169

V

P

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

** POD 1530'S & 4580'W FM NE

** COR S 11. CHANGES POD C-17155.

**----->

**----->

**----->

**----->

**----->

PLACE-OF-USE DATA:

TWP/SP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

0905 120E 18 A A 33 1R 100 6.00 V P

AB

0.75

W.R.I.S.

Assembled 4-25-85 by SKK

Entered _____ by _____

Verified _____ by _____

RECEIVED
AUG 17 1979
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of diversion of water from Threemile Creek

PURSUANT TO TRANSFER APPLICATION NO. 4180

I, Martin L. Kinzey & Erma E., 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 July 1, 1979

8-15-79

Date

Martin L. Kinzey Erma E. Kinzey
Signature

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

Ok
Lij

RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON**Application for Transfer of Water Right**

T-4180

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Marvin L. & Erma Kinzey

(Name of applicant)

of Rt. 1, Box 26

(Mailing address)

Tygh Valley

(City)

State of Oregon97063

(Zip Code)

544-2182

(Phone number)

, do hereby make application for change

Point of Diversion

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

1. Is the water right recorded in your name? yes

(If not, give name)

2. Was your water right determined by Decree of Court? yes If so, give title of proceedings

(Yes or No)

White RiverVol. 17 P. 223number of certificate 171553. Was your water right acquired by Water Right Permit? If so, give number

(Yes or No)

of permit Number of certificate

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 3 mile Creek5. What is the date of priority of your water right? 18986. The authorized point of diversion is located 1200 ft. N and 200 ft. E from the SW

(N. or S.)

(E. or W.)

corner of Section 7 being within the SW 1/4 SW 1/4 of Section 7 Tp. 4 S R. 12 E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Wasco The name of the ditch used is Jacob Spath

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

7. The proposed point of diversion is located 1530 ft. S and 4580 ft. W from the NE

(N. or S.)

(E. or W.)

corner of Sec. 11 being within the SW 1/4 NW 1/4 of Section 11 Tp. 4 S R. 11 E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Wasco The name of the ditch to be used is Round Prairie

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
4 S	12 E	18	NE NE	6.0
			NW NE	0.75

(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.?
(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
(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

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are water conservation

15. Construction work will be completed on or before

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

Remarks

THIS APPLICATION PREPARED BY:

Thos J. R.
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,, 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 21st day of MARCH, 1979.

Marvin L. Kingery Erma E. Kingery
(Name of applicant)

Subscribed and sworn to before me this 21st day of MARCH, 1979.

[Notarial Seal]

Thos J. R.

NOTARY PUBLIC FOR OREGON

My commission expires 3-18-80



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: March 13, 19 79.FROM: ** Thomas J. Paul, Watermaster, District #3**RECEIVED**

MAR 26 1979

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4180WATER RESOURCES DEPT.
SALEM, OREGONIN THE NAME OF Marvin L. & Erma Kinzey

In my opinion the proposed change in change in point of diversion
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY*~~ 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 _____

**

Thomas J. Paul
Watermaster's signature or initials

NOTICE OF WATER
RIGHTS TRANSFER
APPLICATION No. 4180

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Marvin L. & Erma Kinzey for approval of a change in point of diversion of water from Threemile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 17155, Volume 14, State Record of Water Right Certificates, in the name of Marvin L. Kinzey, describes a right which includes the use of water from Threemile Cr. for irrigation of a certain 6.0 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$ & 0.75 ac. in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 18, T 4S, R 12E, WM, with a date of priority of 1898.

Water for the said right is diverted, through the Jacob Spath Ditch, from a point located 1200 ft N & 200 ft E from the SW Corner of Sec 7, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7, T 4S, R 12E, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 1530 ft S & 4580 ft W from the NE Corner of Sec 11, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 11, T 4S, R 11E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at The Dalles, Oregon on May 24, 1979 at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing: one copy to be served on Marvin L. & Erma Kinzey, Rt 1, Box 26, Tygh Valley, OR 97063; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Dept. upon request.

Dated at Salem, Oregon this 29th day of March, 1979.

James E. Sexson

Director

April 3, 10, 17, 1979

No. 2590

Affidavit of Publication

STATE OF OREGON, } ss.
County of Wasco

I, Mary Harris

being first duly sworn, depose and say that I am the principal clerk of the publisher of The Dalles Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020; Oregon Compiled laws, annotated; printed and published at The Dalles, in the aforesaid county and state, that the

Notice of Water Rights Transfer a printed copy of which is hereto annexed, was published in the entire issue of said

_____ weeks
newspaper for three successive and consecutive issues

in the following issues: April 3, April 10, and

April 17, 1979.

Mary Harris

Subscribed and sworn to before me this 17

day of April, 1979.

J. F. Weybright
Notary Public for Oregon.

My Commission Expires July 31, 1980

RECEIVED
APR 19 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Affidavit of Publication

STATE OF OREGON, } ss.
County of Wasco

I, Mary Harris
being first duly sworn, depose and say that I am the principal clerk of the publisher of The Dalles Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020; Oregon Compiled laws, annotated; printed and published at The Dalles, in the aforesaid county and state, that the

Notice of Water Rights Transfer a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three weeks successive and consecutive issues in the following issues: April 3, April 10, and April 17, 1979.

Mary Harris

Subscribed and sworn to before me this 17
day of April, 1979.

J. F. Wright
Notary Public for Oregon.

My Commission Expires July 31, 1980

James E. Sexson
Director
April 3, 10, 17, 1979
No. 2590

T-4180

March 13, 1979
RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON

To whom it may concern:

An agreement has been made by the board of directors of the Round Prairie Ditch Co. to let Marvin L. Kinzey change his point of diversion from the Spoth Ditch to the Round Prairie Ditch diversion from Three Mile Creek and down the Round Prairie Ditch to the outlet known as the Metzger Line Lateral (South Half of Section 7)

Consideration to be \$1.00 a year plus assessments, per acre.

Carl Peterson
President

Stephen H. Anderson
Vice-President

Donald T. Rowan
Director