

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF JIM NARTZ FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM TROUT CREEK)

ORDER APPROVING
TRANSFER NO. 3690

On May 31, 1977, an application was filed in the office of the Water Resources Director by Jim Nartz for approval of a change in point of diversion from Trout Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2234, Volume 3, State Record of Water Right Certificates, in the name of Mrs. C. Friend, describes a right which includes the use of water from Trout Creek for irrigation of 4.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 8.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 9 South, Range 16 East, W.M., with a date of priority of 1891.

The authorized point of diversion is located 575 feet South and 200 feet East from the South Quarter Corner of Section 25, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 9 South, Range 16 East, W.M. (Friend Ditch No. 4).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 50 feet South and 300 feet East from the Northwest Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 9 South, Range 16 East, W.M.

Notice of the application, pursuant to ORS 540.510 to 540.530, was published in The Madras Pioneer, a newspaper printed and having general circulation in Jefferson County, Oregon, for a period of three weeks in the issues of December 1, 8 and 15, 1977.

Mr. Robert F. Main, Jr., 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:

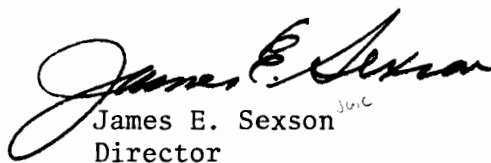
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Mrs. C. Friend and recorded at page 2234, Volume 3, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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 shall be issued to the applicant herein.

Dated at Salem, Oregon, this 27th day of January, 1978.


James E. Sexson ^{JES}
Director