

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF RONALD B. OCHS FOR APPROVAL OF )  
CHANGES IN POINTS OF DIVERSION )  
OF WATER FROM TROUT CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2786

On April 10, 1973, an application was filed in the office of the Water Resources Director by Ronald B. Ochs for approval of changes in points of diversion from Trout Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2256, Volume 3, State Record of Water Right Certificates, in the names of H. L. and Mary Priday, describes a right which includes the use of water from Trout Creek as follows:

Domestic and stock; and irrigation of 6.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 5.75 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 32.75 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, Township 9 South, Range 15 East, W.M., with a date of priority of 1879, by diversion of water through Priday No. 2 Ditch from a point locate 2350 feet North and 250 feet East from the Southwest Corner of Section 9, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 9, Township 9 South, Range 15 East, W.M.;

Domestic and stock; and irrigation of 28.5 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 16.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 2.5 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, Township 9 South, Range 15 East, W.M., with a date of priority of 1879, by diversion of water through Stewart No. 1 Ditch (Priday No. 1 Ditch) from a point located 1100 feet North and 950 feet West from the Southeast Corner of Section 8, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, Township 9 South, Range 15 East, W.M.

Domestic and stock; and irrigation of 16.75 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.75 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 38.25 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 24.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 2.5 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.25 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, Township 9 South, Range 15 East, W.M., with a date of priority of 1882, by diversion of water through Priday and Cram Ditch from a point located 500 feet South and 50 feet West from the East Quarter Corner of Section 8, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, Township 9 South, Range 15 East, W.M.;

Domestic and Stock; and irrigation of 10.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 17, Township 9 South, Range 15 East, W.M., with a date of priority of March, 1903, by diversion of water through Morgan Ditch No. 3 from a point located 350 feet North

and 1950 feet West from the Southeast Corner of Section 8, Township 9 South, Range 15 East, W.M., being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 8.

Domestic and stock; and irrigation of 23.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 17, Township 9 South, Range 15 East, W.M., with a date of priority of 1904, by diversion of water through Nash Ditch No. 4 from a point located 250 feet North and 400 feet East from the West Quarter Corner of Section 3, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, Township 9 South, Range 15 East, W.M.

The applicant herein, owner of the lands above described, proposes to change from the above described points of diversion, without loss of priority, to two points of diversion located: (1) 1000 feet South and 2200 feet West from the Southeast Corner of Section 8, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 17, Township 9 South, Range 15 East, W.M., and (2) 1800 feet South and 1550 feet East from the Northwest Corner of Section 17, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 17, Township 9 South, Range 15 East, W.M., for irrigation of all above said lands.

Notice of the application, pursuant to ORS 540.510, 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 13, 20 and 27, 1973. On January 28, 1974, David Cook, attorney for Trout Creek Cattle Co., filed a protest in accord with ORS 540.520 against approval of the application. Joe G. Austin, successor in interest to Trout Creek Cattle Co. did not choose to maintain said protest.

Mr. Bruce Estes, Watermaster, has filed a statement to the effect that the proposed changes in points of diversion may be made without injury to existing rights.

No other objections having been filed and it appearing that the proposed changes in points 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 points of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old points of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to diverting of water at the new points of diversion as herein confirmed:

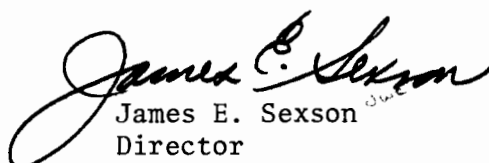
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 changes in points of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to H. L. and Mary Priday and recorded at page 2256, 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 right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 30th day of March, 1978.

  
James E. Sexson  
Director