

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT B. PAMPLIN, JR., FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 2798

On April 25, 1973, an application was filed in the office of the Water Resources Director by Robert B. Pamplin, Jr., for approval of a change in point of diversion from Trout Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the Circuit Court for Jefferson County, entered September 18, 1972, the right previously described by the certificate recorded at page 2230, Volume 3, State Record of Water Right Certificates, in the name of Bidwell Cram, now exists for certain uses of water which include the use of water from Trout Creek for domestic and stock use and for irrigation of 0.75 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 16.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 29.25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 10.75 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 9 South, Range 15 East, W.M., with a date of priority of 1882.

Water for the said right is diverted, through the Friday 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.

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 1560 feet North and 1100 feet West from the Southeast Corner of Section 18, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 9 South, Range 15 East, W.M.

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 change in point of diversion may be made without injury to existing rights.

No other 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 carried out prior to the diverting of water at the new point of diversion as herein confirmed:

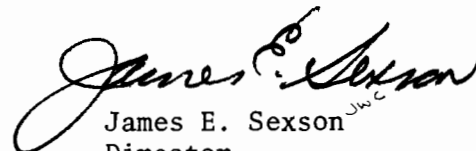
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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 Bidwell Cram and recorded at page 2230, 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