

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF DARRELL & LUELLA FRIEND FOR AP-)
PROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3348

On January 13, 1976, Darrell Friend and Luella Friend filed an application in the office of the Water Resources Director for approval of changes in place of use and point of diversion from Trout Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at page 8788, Volume 8, State Record of Water Right Certificates, in the name of Roy L. Friend, describes an existing right of record for the use of not to exceed 0.34 cubic foot per second from Trout Creek for irrigation of a certain 7.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 9 South, Range 16 East, W.M., with a date of priority of May 25, 1925.

The diversion points of record for said right are located (1) 3800 feet North and 2300 feet West; and (2) 2200 feet North and 1650 feet West from the Southeast Corner of Section 36, being within the (1) SW $\frac{1}{4}$ NE $\frac{1}{4}$ and (2) NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 9 South, Range 16 East, W.M.

The applicants herein, owners of the lands above described, proposed to sever the right from a certain 2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36 and in lieu thereof irrigate a certain 5.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36; and to change from the above described points of diversion to a point located 875 feet North and 445 feet East from the Center Corner of said Section 36, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 9 South, Range 16 East, W.M., for irrigation of all said lands, being 5.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 18.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36.

Mr. Bruce A. Estes, Watermaster of District No. 11, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion from Trout Creek described herein, without loss of priority, are 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 points of diversion under the subject right, and shall not exceed 0.34 cubic foot per second.

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:

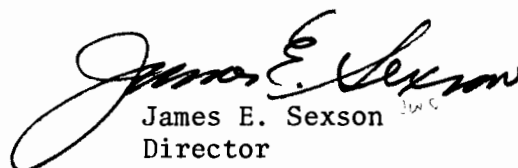
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Roy L. Friend and recorded at page 8788, Volume 8, State Record of Water Right Certificates, is canceled; 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 5th day of May, 1978.


James E. Sexson
Director