

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DARRELL FRIEND FOR APPROVAL )  
OF CHANGES IN POINTS OF DIVER- )  
SION OF WATER FROM TROUT CREEK )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3509

On January 13, 1976, an application was filed in the office of the Water Resources Director by Darrell Friend 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 2234, Volume 3, State Record of Water Right Certificates, in the name of Mrs. C. Friend, describes certain rights allowed by Decree of the Court in the Trout Creek adjudication, which include:

(a) Irrigation of, among other lands, 10.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 24; 1.5 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.0 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 9 South, Range 16 East, W.M., under a date of priority of 1891, by diversion through the West Ditch (Friend No. 3), from a point of diversion located 1800 feet South and 50 feet East from the North Quarter Corner of Section 25, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 25;

(b) Irrigation of 7.7 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 6.3 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.9 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 25, Township 9 South, Range 16 East, W.M., under a priority date of 1891, by diversion through the East Ditch (Friend No. 1), from a point of diversion located 650 feet North and 300 feet East from the South Quarter Corner of Section 25, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 25;

(c) Irrigation of 10.7 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 3.1 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.1 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 0.7 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 24, Township 9 South, Range 16 East, W.M., under a date of priority of March, 1898, by diversion through the Maupin Ditch (Friend No. 2), from a point of diversion located 900 feet South and 200 feet East from the North Quarter Corner of Section 25, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 25.

The applicant proposes to make the following changes in point of diversion, without loss of priority:

(aa) With reference to the 6.3 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.9 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 25, as described in paragraph (b) above: continue to divert water through the East Ditch from the said point of diversion until June of each year

and to establish an additional point of diversion (pump No. 2) at a point located 450 feet South and 80 feet East from the North Quarter Corner of Section 25, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 25, for irrigation of said lands after the first of June of each year, all with a priority date of 1891;

(bb) With reference to the 7.7 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 25, described in paragraph (b) above; the 10.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 24; 1.5 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.0 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, as described in paragraph (a) above, all with a priority date of 1891; and with reference to the 0.7 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 3.1 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 24, as described in paragraph (c) above, under a priority date of March, 1898: change from the points of diversion described in paragraphs (a), (b) and (c) above, to irrigate these lands from pump No. 2, located 450 feet South and 80 feet East from the North Quarter Corner of Section 25, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 25;

(cc) With reference to the 10.7 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.1 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 24, as described in paragraph (c) above, with a priority date of March, 1898: change from the point of diversion described in paragraph (c) above, to irrigate this land from pump No. 1, located 120 feet South and 950 feet West from the Center of Section 24, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 24.

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 March 2, 9 and 16, 1978.

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

No objections having been filed and it appearing that the proposed additional point of diversion may be established and the 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 additional point of diversion and 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, together with that diverted at the old point 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 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;

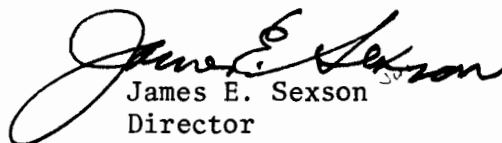
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the additional point of diversion established and the changes in points of diversion of water made on or before October 1, 1979.

The order approving transfer No. 3690 provided for the cancellation of said certificate of water right recorded at page 2234, Volume 3, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in that proceeding; therefore,

It is FURTHER ORDERED that NO new certificate of water right be issued covering the balance of the right as provided in the order approving transfer No. 3690; 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 11th day of May, 1978.

  
James E. Sexson  
Director