

2786 RONALD B. OCHS
CITYMAN Bldg. Box 481
Madras Ore

2786

PROTESTED

9515E
17

STATUS OF APPLICATION

Change in Point of Diversion
Date filed April 10, 1973
Date of hearing 2/5/74
Place of hearing _____
Date of order 3-30-78 Vol. 30, page 502
Date for application of water 10-1-79
Proof mailed **FEB 22 2001**
Proof received _____
Certificate issued **MAY 1 1978** Vol. _____, page 45510

JUL 31 2001 **77026**
8/6/03 **80380**
to Survey 4/78

REMARKS

WDLF 1979 B6

DESCRIPTION OF WATER RIGHT

Name of stream Trout Creek
Trib. of _____ County of Jefferson
Use Irrigation, Domestic & Stock
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority 1879 1904
1882 1889 & MARCH, 1903
In name of _____
Trout Creek Final Adjudication, Vol. 5, page 80
App. No. _____ Per. No. _____ Cert. No. 2256
Certificate cancelled _____
Notation made on record by _____

OK Cert

DVA Notification

Date	Amount	Receipt No.
4-10-73	25.00	33246
4-10-73	93.00 P.O.N.	33248
4-25-73	33.00 P.O.N.	To Trans # 2798
TOTAL 4-17-74	14.00 P.O.N.	38672
4-10-73	3.00 Cert. Fee	33247

FEES REFUNDED

Date	Amount	Check No.
P.O.N. Paid 2-18-74 77026		

INDEX CARDS		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	lg	-
	Stream	lg	-
	Pt. of Div.	lg	-
	Calendar	lg	-
	CHECKED TO RECORD		
	Twp. & Rge.	lg	-
	Deed-vault	lg	-
	Deed-safe	lg	-
	Cert. of W/R	lg	-
	Per. Folder	lg	-
	Chaindex	lg	-
	Cross Ref.	lg	-
	Power Claim	lg	-
	Abstracts	lg	-

STATE OF OREGON
COUNTY OF JEFFERSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT B. PAMPLIN
C/O COLUMBIA FARMS INC.
31461 NE BELL ROAD
SHERWOOD, OREGON 97140

confirms the right to use the waters of TROUT CREEK, a tributary of HAY CREEK, for IRRIGATION OF 229.0 ACRES, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JEFFERSON COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 5, at Page 57. The date of priority is 1879 FOR TRACT NO. 1; 1879 FOR TRACT NO. 2; 1882 FOR TRACT NO. 4; MARCH 1903 FOR TRACT NO. 5; AND 1904 FOR TRACT NO. 7.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.5 ACRE FEET PER ACRE DURING ANY PERIOD OF 30 DAYS OR 6 ACRE FEET PER ACRE DURING ANY IRRIGATION SEASON (IF AVAILABLE AT THE ORIGINAL POINTS OF DIVERSIONS DESCRIBED AS:

TRACT NO. 1 - PRIDAY NO. 2 DITCH LOCATED WITHIN THE NW 1/4 SW 1/4, SECTION 9, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M. BEING 2350 FEET NORTH AND 250 FEET EAST FROM THE SW CORNER OF SECTION 9;

TRACT NO. 2 - PRIDAY NO. 1 DITCH LOCATED WITHIN THE SE 1/4 SE 1/4, SECTION 8, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M. BEING 1100 FEET NORTH AND 950 FEET WEST FROM THE SE CORNER OF SECTION 8;

TRACT NO. 4 - PRIDAY AND CRAM DITCH LOCATED WITHIN THE NE 1/4 SE 1/4, SECTION 8, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M. BEING 500 FEET SOUTH AND 50 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 8;

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

TRACT NO. 5 - MORGAN DITCH NO. 3 LOCATED WITHIN THE SW 1/4 SE 1/4, SECTION 8, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M., BEING 350 FEET NORTH AND 1950 FEET WEST FROM THE SE CORNER OF SECTION 8; AND

TRACT NO. 7 - NASH DITCH NO. 4 LOCATED WITHIN THE SW 1/4 NW 1/4 SECTION 3, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M., BEING 250 FEET NORTH AND 400 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 3);

or its equivalent in case of rotation, measured at the points of diversions from the source.

The points of diversion are located as follows:

NW 1/4 NE 1/4, SECTION 17, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.; 800 FEET SOUTH AND 2260 FEET WEST FROM THE NE CORNER OF SECTION 17; AND

SE 1/4 NW 1/4, SECTION 17, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.; 1650 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNER OF SECTION 17.

A description of the place of use to which this right is appurtenant is as follows:

TRACT NO. 1

NE 1/4 SE 1/4	6.50 ACRES
SW 1/4 SE 1/4	5.75 ACRES
SE 1/4 SE 1/4	32.75 ACRES

SECTION 8

TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

TRACT NO. 2

NW 1/4 NE 1/4	28.50 ACRES
SW 1/4 NE 1/4	16.00 ACRES
NE 1/4 SW 1/4	22.50 ACRES

SECTION 17

TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

TRACT NO. 4

NE 1/4 NW 1/4	16.75 ACRES
NW 1/4 NW 1/4	8.75 ACRES
SW 1/4 NW 1/4	38.25 ACRES
SE 1/4 NW 1/4	24.00 ACRES
NE 1/4 SW 1/4	2.50 ACRES
NW 1/4 SW 1/4	13.25 ACRES

SECTION 17

TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

TRACT NO. 5

NE 1/4 NW 1/4 10.00 ACRES
SECTION 17
TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

TRACT NO. 7

NE 1/4 NE 1/4 23.50 ACRES
SECTION 17
TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

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

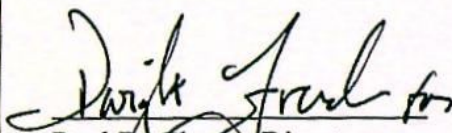
The type and plans of the measuring device shall be approved by the watermaster and the weir or measuring device be installed and maintained under the general supervision of the watermaster.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE DATE OF PRIORITY FOR TRACT NO. 2 AND SUPERSEDES CERTIFICATE 77026.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

Issued August 6, 2003.


Paul R. Cleary, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80380.

STATE OF OREGON
COUNTY OF JEFFERSON
CERTIFICATE OF WATER RIGHT

*C. to
Jefferson
Map*

THIS CERTIFICATE ISSUED TO

RONALD B. OCHS
GATEWAY ROUTE, BOX 481
MADRAS, OREGON 97741

confirms the right to use the waters of TROUT CREEK, a tributary of HAY CREEK, for IRRIGATION OF 229.0 ACRES, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JEFFERSON COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 5, at Page 57. The date of priority is 1879 FOR TRACT NO. 1; 1979 FOR TRACT NO. 2; 1882 FOR TRACT NO. 4; MARCH 1903 FOR TRACT NO. 5; AND 1904 FOR TRACT NO. 7.

1879

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.5 ACRE FEET PER ACRE DURING ANY PERIOD OF 30 DAYS OR 6 ACRE FEET PER ACRE DURING ANY IRRIGATION SEASON (IF AVAILABLE AT THE ORIGINAL POINTS OF DIVERSIONS DESCRIBED AS:

TRACT NO. 1 - PRIDAY NO. 2 DITCH LOCATED WITHIN THE NW 1/4 SW 1/4, SECTION 9, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M., BEING 2350 FEET NORTH AND 250 FEET EAST FROM THE SW CORNER OF SECTION 9;

TRACT NO. 2 - PRIDAY NO. 1 DITCH LOCATED WITHIN THE SE 1/4 SE 1/4, SECTION 8, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M., BEING 1100 FEET NORTH AND 950 FEET WEST FROM THE SE CORNER OF SECTION 8;

TRACT NO. 4 - PRIDAY AND CRAM DITCH LOCATED WITHIN THE NE 1/4 SE 1/4, SECTION 8, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M., BEING 500 FEET SOUTH AND 50 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 8;

TRACT NO. 5 - MORGAN DITCH NO. 3 LOCATED WITHIN THE SW 1/4 SE 1/4, SECTION 8, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M., BEING 350 FEET NORTH AND 1950 FEET WEST FROM THE SE CORNER OF SECTION 8; AND

TRACT NO. 7 - NASH DITCH NO. 4 LOCATED WITHIN THE SW 1/4 NW 1/4 SECTION 3, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M., BEING 250 FEET NORTH AND 400 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 3);

or its equivalent in case of rotation, measured at the points of diversions from the source.

The points of diversion are located as follows:

NW 1/4 NE 1/4, SECTION 17, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.; 800 FEET SOUTH AND 2260 FEET WEST FROM THE NE CORNER OF SECTION 17; AND

SE 1/4 NW 1/4, SECTION 17, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.; 1650 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNER OF SECTION 17.

A description of the place of use to which this right is appurtenant is as follows:

TRACT NO. 1

NE 1/4 SE 1/4	6.50 ACRES	
SW 1/4 SE 1/4	5.75 ACRES	1879
SE 1/4 SE 1/4	32.75 ACRES	

SECTION 8

TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

TRACT NO. 2

NW 1/4 NE 1/4	28.50 ACRES	
SW 1/4 NE 1/4	16.00 ACRES	1879
NE 1/4 SW 1/4	2.50 ACRES	

SECTION 17

TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

TRACT NO. 4

NE 1/4 NW 1/4	16.75 ACRES	
NW 1/4 NW 1/4	8.75 ACRES	
SW 1/4 NW 1/4	38.25 ACRES	1882
SE 1/4 NW 1/4	24.00 ACRES	
NE 1/4 SW 1/4	2.50 ACRES	
NW 1/4 SW 1/4	13.25 ACRES	

SECTION 17

TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

TRACT NO. 5

NE 1/4 NW 1/4 10.00 ACRES
SECTION 17
TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

new 1903

TRACT NO. 7

NE 1/4 NE 1/4 23.50 ACRES
SECTION 17
TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

1904

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


The type and plans of the measuring device shall be approved by the watermaster and the weir or measuring device be installed and maintained under the general supervision of the watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered MARCH 30, 1978, and together with Certificate 45510, supersedes Certificate 2256, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JULY 31, 2001.


Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 77026.

STATE OF OREGON

COUNTY OF JEFFERSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

H. L. PRIDAY AND MARY PRIDAY

of Gateway, State of Oregon, 97741, has
a right to the use of the waters of Pony Creek

a tributary of Trout Creek for the purpose of
the irrigation of 8.0 acres, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jefferson County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 5, at page 57; that the priority of the right thereby confirmed dates from 1879

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.50 acre feet per acre during any irrigation season from Trout Creek and Pony Creek and 1 acre foot per acre during any period of 30 days or 3 acre feet per acre during any irrigation season from Hay Creek, and shall be subject to all other conditions and limitations contained in said decree.
The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

7.5 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
0.5 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 11
T. 9 S., R. 15 E., W. M.

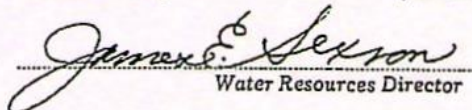
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2256, Volume 3, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the State Engineer entered on April 5, 1968 and NOT modified by the provisions of an order of the Water Resources Director entered on March 30, 1978, approving transfer application No. 2786.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date May 1, 1978.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 38, page 45510

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)

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:

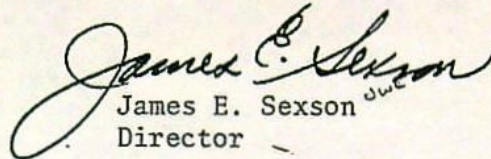
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF JEFFERSON

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That H. L. PRIDAY AND MARY PRIDAY

of Gateway State of Oregon has a right to the use of the waters of ~~Trout Creek, a tributary of Deschutes River, Hay Creek and Pony Creeks,~~ tributary of Trout Creek

for the purpose of the irrigation of ^{8.0}~~245.75~~ acres ~~of land,~~ domestic, and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jefferson County, and the said decree entered of record at Salem, in the Order Record of the ^{STATE WATER BOARD}~~Board of Water Commissioners~~ of the State of Oregon, in Volume ~~4~~⁵ at page 57; that the priority of the right hereby confirmed dates from 1879 for Tract No. 1; 1879 for Tract No. 2; 1902 for Tract No. 3; 1882 for Tract No. 4; March 1903 for Tract No. 5; 1879 for Tract No. 6 and 1904 for Tract No. 7

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.50 acre feet per acre during any period of 30 days or 6 acre feet per acre during any irrigation season from Trout Creek and Pony Creek and 1 acre foot per acre during any period of 30 days or 3 acre feet per acre during any irrigation season from Hay Creek, and shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water

is put to beneficial use, is as follows: ~~Tract No. 1 from Trout Creek - 6.50 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$; 5.75 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 32.75 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T 9 S., R 15 E. W. M., in Jefferson County, Oregon.~~

~~Tract No. 2 from Trout Creek - 28.50 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$; 16 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.50 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T 9 S. R. 15 E. W. M., in Jefferson County, Oregon.~~

~~Tract No. 3 from Hay Creek - 18.75 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T 9 S. R. 15 E. W. M., in Jefferson County, Oregon.~~

~~Tract No. 4 from Trout Creek - 16.75 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$; 8.75 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$; 38.25 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$; 24 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$; 2.50 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$; 13.25 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T 9 S. R. 15 E. W. M., in Jefferson County, Oregon.~~

~~Tract No. 5 from Trout Creek - 10 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, T 9 S. R. 15 E. W. M., in Jefferson County, Oregon.~~

~~Tract No. 6 from Pony Creek - 7.50 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.50 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T 9 S. R. 15 E. W. M., in Jefferson County, Oregon.~~

~~Tract No. 7 from Trout Creek - 23.50 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T 9 S., R 15 E. W. M., in Jefferson County, Oregon.~~

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2256, Volume 3, State Record of Water Right Certificates, NOT ~~canceled~~ by the provisions of an order of the ~~Water Resources~~ ^{State Engineer} Director entered on April 15, 1968, and NOT modified by the provisions of an order of the Water Resources Director entered on March 30, 1978, approving transfer application No. 2786.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

State Engineer, President

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 2256.

NOTICE OF FILING
APPLICATION FOR A
CHANGE IN POINT OF
DIVERSION AND PLACE
OF USE

Notice is given hereby that Ronald B. Ochs and Robert B. Pamplin, Jr. have filed applications for the approval of a change in point of diversion and place of use of water from Trout Creek.

In the Trout Creek Adjudication proceedings a water right was established in the name of R.L. and Mary Priday for the use of the waters of Trout Creek for domestic, stock and irrigation of, among other lands, 6.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.75 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 32.75 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, and 23.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 28.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 16.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 26.75 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 $\frac{1}{4}$, 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 13.25 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 9 South, Range 15 East, W.M., with dates of priority of 1879, 1882, 1903 and 1904; and a water right was established in the name of Bidwell Cram for the use of the waters of Trout Creek for domestic, stock and irrigation of, among other lands, 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 9 South, Range 15 East, W.M., with a date of priority of 1882.

These lands are irrigated by means of the Ditches from points of diversion located 1100 feet North, and 950 feet West from the SE corner of Section 8, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8; from point of diversion located 2350 feet North, 250 feet East, from the SW corner of section 7, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7; 500 feet South, 50 feet West, from the East $\frac{1}{4}$ corner of Section 8, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8; 350 feet North, 1950 feet East, from the SE corner of Section 8, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8; 250 feet North and 400 feet East from the West $\frac{1}{4}$ of Section 3, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3; 500 feet South and 50 feet West from the East $\frac{1}{4}$ corner of Section 8, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, all in Township 9 South, Range 15 East, W.M.

The applicants propose to change the place of use from irrigation of 10.75 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, to 10.75 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 9 South, Range 15 East, and irrigate these lands together with the above described lands of the water right in the name of Bidwell Cram from a diversion point to be located 1560 feet North and 1000 feet West from the SE corner of Section 18, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 9 South, Range 15 East, and irrigate the above described lands of the right in the name of H.L. and Mary Priday from points of diversion to be located 1000 feet South and 2200 feet West from the SE 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 1800 feet South and 1550 feet East from the NW 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.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Madras, Oregon, on February 5, 1974, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Ronald B. Ochs, Gateway Route, Box 481, Madras, Oregon, and Robert B. Pamplin, Jr., Suite 2700, 900 S.W. Fifth Street, Portland, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 3rd day of December, 1973.

CHRIS L. WHEELER
State Engineer

First publication December 13, 1973

Last publication December 27, 1973

Affidavit of Publication

State of Oregon,
County of Jefferson ss.

I, William C. Robinson, being first

fully sworn, depose and say that I am the publisher of THE MADRAS PIONEER, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Madras in the aforesaid county and state;

that the Notice of Filing Application for a change in point of diversion and place of use, a printed copy of which is hereto

annexed, was published in the entire issue of said newspaper for three

successive and consecutive weeks in the following issues: December 13,

20 and 27, 1973

RECEIVED

JAN 3 1974

STATE ENGINEER
SALEM, OREGON

William C. Robinson

Subscribed and sworn to before me this 31st day of

December, 1973

Violet F. Nemcehek

Notary Public of Oregon.
My Commission Expires September 26, 1976

My commission expires day of , 19

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My commission expires _____ day of _____, 19____

