

2798

2125  
276  
2786  
Protested

may need refund of POV recovery fee

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in Point of Diversion ~~Place of Use~~  
Date filed April 25, 1973  
Date of hearing 2/5/74  
Place of hearing \_\_\_\_\_  
Date of order 3-30-78 Vol. 30, page 505  
Date for application of water 10-1-79  
Proof mailed FEB 22 2001  
Proof received \_\_\_\_\_  
Certificate issued MAY 1 1978 Vol. \_\_\_\_\_, page 45511

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 1882  
In name of \_\_\_\_\_  
TROUT CREEK Adjudication, Vol. 5, page 72  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 2230  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

Date	Amount	Receipt No.
<u>4-25-73</u>	<u>30.00</u>	<u>From Trans # 2786</u>
TOTAL . . .		
<u>4-25-73</u>	<u>3<sup>00</sup> Cert. Fee</u>	<u>From Trans # 2786</u>

FEES REFUNDED

Date	Amount	Check No.

APR 23 1981

43

~~49923~~

JUL 31 2001

77027

OK Cert

REMARKS

See file T# 2786 re all correspondence on protest

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	
<input checked="" type="checkbox"/> Stream	<u>lg</u>	
<input checked="" type="checkbox"/> Pt. of Div.		
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Top. & Rec.	<u>lg</u>	
<input checked="" type="checkbox"/> Decree-vault	<u>lg</u>	
<input checked="" type="checkbox"/> Decree-safe		
<input checked="" type="checkbox"/> Cert. of W/R	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Per. Folder		
<input type="checkbox"/> Chaindex		
<input type="checkbox"/> Cross Ref.		
<input type="checkbox"/> Power Claim		
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	

690

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

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 56.75 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 1882.

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 POINT OF DIVERSION DESCRIBED AS THE 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), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 18, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.; 1050 FEET SOUTH AND 1280 FEET EAST FROM THE C 1/4 CORNER OF SECTION 18.

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

SW 1/4 NE 1/4	0.75 ACRE
SE 1/4 NE 1/4	16.00 ACRES
NE 1/4 SE 1/4	29.25 ACRES
NW 1/4 SE 1/4	10.75 ACRES

SECTION 18  
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.

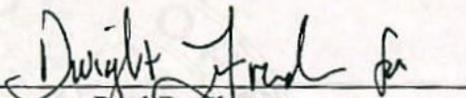
The type and plans of the measuring device shall be approved by the watermaster and the weir or measuring device be installed and maintained under the general supervision of the watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered MARCH 30, 1978, and together with Certificate 50363 AND SPECIAL ORDER RECORDED IN VOLUME 35, PAGES 276 & 277 APPROVING TRANSFER APPLICATION T-4370, supersedes Certificate 2230, 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 77027.

STATE OF OREGON

COUNTY OF JEFFERSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That BIDWELL CRAM

of Gateway, State of Oregon 97741, has a right to the use of the waters of Hay Creek, Wilson Creek and Trout Creek

a tributary of Deschutes River for the purpose of domestic, stock, and irrigation of 167.55 acres

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 1885 for Hay Creek, 1886 for Wilson Creek and 1879 for Trout Creek

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 acre-foot per acre during any period of 30 days or 3 acre-feet per acre during any irrigation season from Hay Creek and tributaries, and 1.5 acre-feet per acre during any period of 30 days or 6 acre-feet per acre during any irrigation season from Trout Creek and the amount of water diverted from Hay Creek shall not exceed \* The point of diversion is located in the NE 1/4 SE 1/4, Section 8 and NW 1/4 SW 1/4, Section 29, T9S, R15E, WM.

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

SEE NEXT PAGE

\* 254 acre-feet and from Wilson Creek 157 acre-feet, during any irrigation season.

Hay Creek and Wilson Creek

1.00 acre NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 18

1.40 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 19

2.30 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
3.20 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
1.40 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
10.75 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 20

38.50 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
31.75 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 29

1.00 acre NE $\frac{1}{4}$  NE $\frac{1}{4}$   
1.50 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
2.50 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 30

Township 9 South, Range 15 East, WM

Trout Creek

20.00 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
30.75 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
21.50 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 9

Township 9 South, Range 15 East, WM

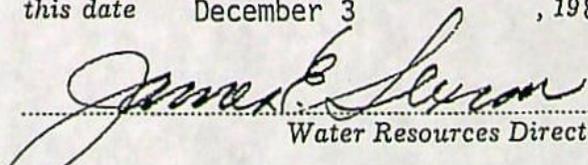
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 49923, Volume 43, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director entered on September 25, 1981, approving Transfer Application 4370, and on October 19, 1981, amending the prior order.

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.

*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 December 3, 1981.

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 50363

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF FLOYD BAUER FOR APPROVAL OF )  
A CHANGE IN POINT OF DIVERSION )  
OF WATER )  
-----

ORDER AMENDING  
ORDER APPROVING  
TRANSFER 4370

On January 14, 1980, an application was filed in the office of the Water Resources Director by Floyd Bauer for approval of a change in point of diversion of water from Hay Creek and Wilson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

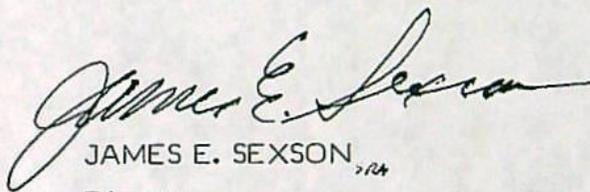
By Decree of the Circuit Court for Jefferson County, Oregon, entered August 10, 1981, In The Matter of the Determination of the Relative Rights to the Use of the Waters of Trout Creek and Its Tributaries, a water right was established in the name of Bidwell Cram for the use of waters of Hay Creek and Wilson Creek, for irrigation of, among other lands, a certain 7.5 acres in SW 1/4 SW 1/4, Section 17; 27.5 acres in SE 1/4 SE 1/4, Section 18; 11.5 acres in NE 1/4 NE 1/4, 13.5 acres in SE 1/4 NE 1/4, 6.1 acres in NE 1/4 SE 1/4, 1.0 acre in SE 1/4 SE 1/4, Section 19; 18.95 acres in NW 1/4 NW 1/4, 30.8 acres in SW 1/4 NW 1/4, 36.1 acres in NW 1/4 SW 1/4 and 26.0 acres in SW 1/4 SW 1/4, Section 20, all in Township 9 South, Range 15 East, WM, with a date of priority of 1885 for Hay Creek and 1886 for Wilson Creek, being tabulated in the name of Bidwell Cram at Volume 5, page 72, as evidenced by the Certificate recorded at page 45511, Volume 38, State Record of Water Right Certificates.

On April 23, 1981, Certificate 45511 was superceded by the Certificate recorded at page 49923, Volume 43, State Record of Water Right Certificates, prior to approval of said proposed change in point of diversion.

The lands described above, for which a change in point of diversion is requested, should be deleted from Certificate 49923.

NOW, THEREFORE, it hereby is ORDERED that the certificate recorded at page 49923, Volume 43, 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 19th day of October, 1981.

  
JAMES E. SEXSON<sup>7/24</sup>  
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

7341A

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:

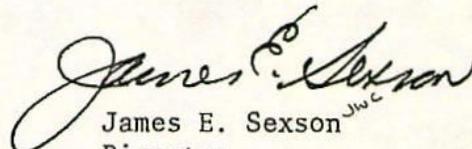
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

## STATE OF OREGON

COUNTY OF JEFFERSON 1

## CERTIFICATE OF WATER RIGHT

40 31 This Is to Certify, That BIDWELL CRAM 7

54 of Gateway 10, State of Oregon, 97741, has  
 30 a right to the use of the waters of Hay Creek, Wilson Creek, and Trout Creek 11

14 a tributary of Deschutes River 14 for the purpose of  
 1 domestic, stock, and the irrigation of 346.5 acres 15

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
 1 Jefferson 19 County, and the said decree entered of record at Salem, in the Order Record of  
 43+56 the WATER RESOURCES DIRECTOR, in Volume 5, at page 57; that the priority of the 20  
 31 right thereby confirmed dates from 1885 for Hay Creek, 1886 for Wilson Creek and 21  
 1879 for Trout Creek

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
 61 amount actually beneficially used for said purposes, and shall not exceed 1 acre foot per 24  
 acre during any period of 30 days or 3 acre feet per acre during any irrigation 1  
 season from Hay Creek and tributaries, and 1.5 acre feet per acre during any 28\*  
 period of 30 days or 6 acre feet per acre during any irrigation season from  
 Trout Creek and the amount of water diverted from Hay Creek shall not exceed 525 \*  
 34 The point of diversion is located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 8, T. 9 S., R. 15 E., W. M. 29

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

SEE NEXT PAGE

\* acre feet and from Wilson Creek 324 acre feet, during any irrigation season.

4136A

C-49923

T-4370

Hay Creek & Wilson Creek  
7.50 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 17

~~Wilson Creek~~  
1.00 acre NE $\frac{1}{4}$  SE $\frac{1}{4}$   
27.50 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 18

11.50 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
13.50 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
7.50 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
1.00 acre SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 19

21.25 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
34.00 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
37.50 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
36.75 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 20

38.50 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
31.75 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 29

1.00 acre NE $\frac{1}{4}$  NE $\frac{1}{4}$   
1.50 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
2.50 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 30

Trout Creek  
20.00 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
30.75 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
21.50 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 9

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 2230, 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. 2798.

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

*This certificate is issued to supersede certificate of water right recorded at page 45511 Vol 38 SRWRC so as to correctly describe sources of water for place of use.*

*The issuance etc*

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

*James E. Saxon*  
Water Resources Director

STATE OF OREGON

COUNTY OF

CERTIFICATE OF WATER RIGHT

This Is to Certify, That *Bidwell Cram*

of *Gateway*, State of *OR 97741*, has

a right to the use of the waters of *Hay Creek, Wilson Creek & Trout Creek*

a tributary of *Deschutes R* for the purpose of

*domestic, stock, & the irrigation of 346.5 acres*

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 *1885 for Hay Creek, 1886 for Wilson Creek, & 1879 for Trout Creek*

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 acre foot per acre*

*during any period of 30 days or 3 acre feet per acre during any irrigation season from Hay Creek and tributaries, & 1.5 acre feet per acre during any period of 30 days or 6 acre feet per acre during any irrigation season*

The point of diversion is located in the *NE 1/4 Sec 8 T9S R15E W1/4*

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

*See work sheet*

*\* season from Trout Creek & the amount of water diverted from Hay Creek shall not exceed 525 acre feet, & from Wilson Creek 324 acre feet, during any irrigation season.*

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 certificate describes etc - see worksheet* this date \_\_\_\_\_, 19 \_\_\_\_

Water Resources Director

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:

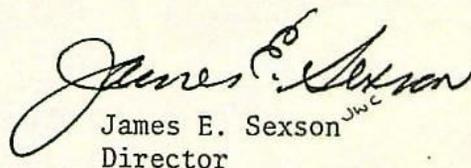
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

RECEIVED

JAN 28 1974

STATE ENGINEER  
SALEM, OREGON

# 197.

ORDER CORRECTING DECREE

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 IN AND FOR JEFFERSON COUNTY

3 IN THE MATTER OF THE DETERMINATION )  
4 OF THE RELATIVE RIGHTS TO THE USE )  
5 OF THE WATERS OF TROUT CREEK AND )  
6 ITS TRIBUTARIES, A TRIBUTARY OF )  
7 DESCHUTES RIVER IN CROOK, JEFFERSON )  
8 AND WASCO COUNTIES. )

9 Ronald Ochs having petitioned the court for a  
10 correction of the decree dated August 10, 1918, entered in the  
11 above matter, and

12 It appearing from the petition and exhibits attached  
13 thereto that:

14 a. the original adjudication survey showed ten and  
15 three-quarter acres of water rights as appearing in the North-  
16 west quarter of the Southeast quarter of Section 18, Township 9  
17 South, Range 15, East of the Willamette Meridian, and

18 b. Based upon the adjudication survey, Bidwell  
19 Cram, who was owner of the land in question in 1916, prepared and  
20 filed a statement and proof of claim before the State Water Board  
21 and that in the statement and proof of claim his answers to the  
22 questions propounded therein were required to conform to the  
23 adjudication survey. It appears that instead of entering the  
24 ten and three quarter acres in the square denoting the Northwest  
25 quarter of the Southeast quarter, he entered it instead in the  
26 Southwest quarter of the Southeast quarter of said Township and  
27 Range. It further appears from the statement and proof of claim,  
28 that he did not own the Southwest quarter of the Southeast quarter  
29 but he did own the Northwest quarter of the Southeast quarter.

30 c. It further appears that the error was then copied  
31 into the final decree and that based upon the final decree the  
32 State Water Board made and entered a certificate of water right  
33 which is recorded in the water right certificates Volume III at  
34 pate 2230, showing the ten and three-quarter acres of water right

DOUGLAS A. SHEPARD  
ATTORNEY AT LAW  
411 FIFTH STREET  
MADRAS, OREGON 97741

FILED  
ELMER L. ANDERSON  
JAN 28 1974  
STATE ENGINEER

1 to Trout Creek being in the Southwest quarter of the Southeast  
2 quarter.

3 d. It further appears from the affidavit of the  
4 watermaster for District 11 that he has examined the records and  
5 the land and is of the opinion that the ten and three-quarter  
6 acre water right properly belongs in the Northwest quarter of the  
7 Southeast quarter of the said Section 18.

8 e. It further appears from the affidavit of Ronald  
9 Ochs that he has leased the land in question for the past three  
10 years and in his opinion the Southwest quarter of the Southeast  
11 quarter of said Section 18 does not appear to have ever been  
12 irrigated from the waters of Trout Creek.

13 Based upon the foregoing, the Court finds that a  
14 mistake appears in the decree on page 72 of the order record  
15 thereof wherein it appears that ten and three-quarter acres of  
16 water right allocated in the Southwest quarter of the Southeast  
17 quarter of Section 18, Township 9 South, Range 15 East of the  
18 Willamette Meridian should be corrected so that the ten and three-  
19 quarter acres of water right appear as being allocated in the  
20 Northwest quarter of the Southeast quarter of Section 18, Township  
21 9 South, Range 15 East of the Willamette Meridian, and

22 GOOD CAUSE Appearing therefor,

23 IT IS HEREBY ORDERED That page 72 of the order record  
24 of the decree entered in the above matter dated August 10, 1918,  
25 whereby the ten and three-quarter acres of water right formerly  
26 appearing as being allocated to the Southwest quarter of the  
27 Southeast quarter of Section 18, Township 9 South, Range 15 East  
28 of the Willamette Meridian be and the same is hereby corrected to  
29 read as being allocated to the Northwest quarter of the Southeast  
30 quarter of Section 18, Township 9 South, Range 15 East of the  
31 Willamette Meridian.

32 Dated September 18, 1972

Page

*Douglas A. Shepard*  
Judge of the Circuit Court

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