

3690

## STATUS OF APPLICATION

Change in POD  
 Date filed 5-31-77  
 Date of hearing 1-25-78  
 Place of hearing Madras  
 Date of order 1-27-78 Vol. 30, page 331  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued JUN 08 2001 Vol. \_\_\_\_\_, page 76963

## DESCRIPTION OF WATER RIGHT

Name of stream TROUT CREEK  
 Trib. of DESCHUTES County of JEFFERSON  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch West Friend  
 Date of priority \_\_\_\_\_  
 In name of \_\_\_\_\_  
Trout Creek Adjudication, Vol. 5, page 74  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 2234  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>5-31-77</u>	<u>70-</u>	<u>60887</u> <u>60888</u>
<u>12-28-77</u>	<u>4.50</u>	<u>443</u>
TOTAL . . .		
<u>12-22-77</u>	<u>\$ 2<sup>00</sup> Cert. Fee</u>	<u>Trans. from 60887</u>

The Madras Pioneer \$37.50 pd 12/22/77 ck #1863

## FEES REFUNDED

Date	Amount	Check No.
Exam	20	
POD	15	
Cert	2	
PON	37.50	
	<u>74.50</u>	

## REMARKS

See also T# 3509  
 § # 3348

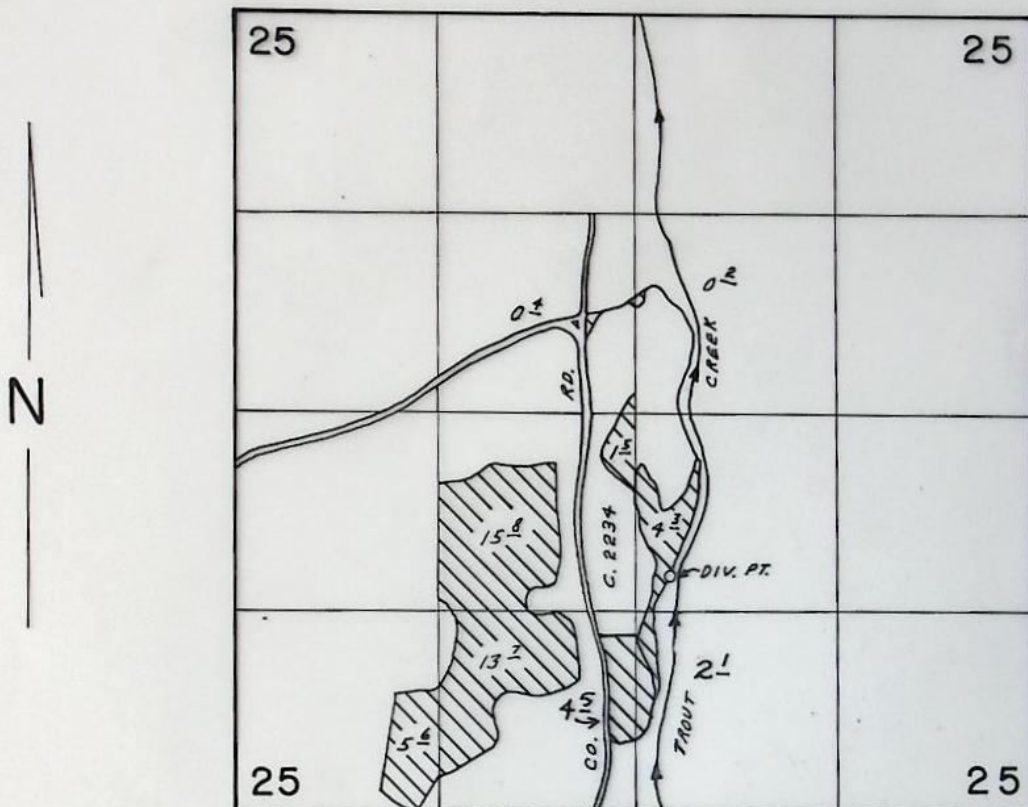
No R.R. Cert to be issued. See T-3509

CARD FOR G L&J 26 1979

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



T. 9 S., R. 16 E., W.M.



DIV. PT. LOC: 220' N. &amp; 230' E FROM NW COR. OF SW 1/4 SE 1/4 SEC. 25

SCALE: 1" = 1320'

# **FINAL PROOF SURVEY** UNDER

TRANSFER 3690

Application No. 55999. Permit No. 42196  
IN NAME OF

**JIM NARTZ**

Surveyed AUG. 18 1988, by B. BISHOP

revised 6/26/2000 SCB  
12-2-88  
41013-279-85A LLC

STATE OF OREGON

COUNTY OF JEFFERSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JIM NARTZ  
P.O. BOX 25  
ASHWOOD, OREGON 97711

confirms the right to use the waters of TROUT CREEK, a tributary of DESCHUTES RIVER, for IRRIGATION OF 23.0 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 1891.

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 6.0 ACRE FEET PER ACRE DURING ANY IRRIGATION SEASON. THE QUANTITY OF WATER DIVERTED AT THE NEW POINT OF DIVERSION, SHALL NOT EXCEED THE QUANTITY OF WATER AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS FRIEND DITCH 4 (NW 1/4 NE 1/4, SECTION 36, TOWNSHIP 9 SOUTH, RANGE 16 EAST, W.M.).

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 25, TOWNSHIP 9 SOUTH, RANGE 16 EAST, W.M.; 220 FEET NORTH AND 230 FEET EAST FROM THE SW CORNER, NW 1/4 SE 1/4, SECTION 25.

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

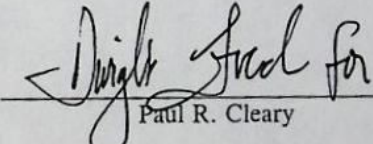
SW 1/4 NE 1/4	4.4 ACRES
SE 1/4 NW 1/4	3.6 ACRES
NE 1/4 SW 1/4	8.8 ACRES
SE 1/4 SW 1/4	1.1 ACRES
NW 1/4 SE 1/4	5.0 ACRES
SW 1/4 SE 1/4	0.1 ACRE
SECTION 25	
TOWNSHIP 9 SOUTH, RANGE 16 EAST, W.M.	

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JANUARY 27, 1978, and together with Certificate 72481, supersedes Certificate 2234, 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 JUNE 8, 2001.

  
Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76963.

T-3690.SB



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF JIM NARTZ FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER FROM TROUT CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 3690

On May 31, 1977, an application was filed in the office of the Water Resources Director by Jim Nartz for approval of a change in point 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 a right which includes the use of water from Trout Creek for irrigation of 4.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.6 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.8 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.1 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 5.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 0.1 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 25, Township 9 South, Range 16 East, W.M., with a date of priority of 1891.

The authorized point of diversion is located 575 feet South and 200 feet East from the South Quarter Corner of Section 25, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 36, Township 9 South, Range 16 East, W.M. (Friend Ditch No. 4).

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 50 feet South and 300 feet East from the Northwest Corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 25, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 25, Township 9 South, Range 16 East, W.M.

Notice of the application, pursuant to ORS 540.510 to 540.530, 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 1, 8 and 15, 1977.

Mr. Robert F. Main, Jr., 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 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 effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

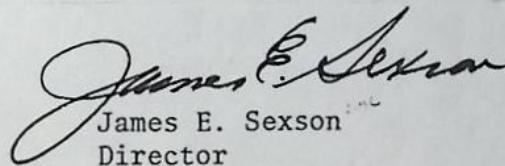
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Mrs. C. Friend and recorded at page 2234, 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 shall be issued to the applicant herein.

Dated at Salem, Oregon, this 27th day of January, 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** Mrs. C. FRIEND  
of Ashwood State of Oregon has a right to the use of  
the waters of Trout Creek, a tributary of Deschutes River

for the purpose of the irrigation of 74 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~~ of the State of Oregon, in Volume ~~IX~~ at page 57; that the priority of the right hereby confirmed dates from 1891 for Tracts 1 and 2 and March 1898 for Tract No. 3

that the amount of water to which such right is entitled and hereby confirmed 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 period of 30 days or 6 acre feet per acre during any irrigation season, 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. 1.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 4.4 acres~~

### Tract No. 1

10.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$

Section 24

T-3690

1.5 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$

~~4.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  - 4.4~~

8.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$

~~1.2 4.6 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  - 3.6~~

~~8.8 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  - 8.8~~

~~1.1 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  - 1.1~~

~~5.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  - 5.0~~

~~0.1 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$  - 0.1~~

Section 25

T 9 S, R 16 E, W.M.

### Tract No. 2

7.7 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$

6.3 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$

1.9 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$

Section 25

T 9 S, R 16 E, W.M.

### Tract No. 3

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 $\frac{1}{4}$

0.7 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$

Section 24

T 9 S, R 16 E, W.M.

WITNESS the seal and signature of the

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2234, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Jan 27, 1978, approving transfer application No. 3690.

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

Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 2234.

T# 3509 & T# 3690



**NOTICE OF WATER RIGHT  
TRANSFER APPLICATION**  
NO. 3690

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Jim Nartz for approval of a change in point of diversion from Trout Creek, pursuant to the provisions of ORS 540.510 or 540.530.

The certificate recorded at page 2234, Volume 3, State Record of Water Right Certificates, in the name of Mrs. C. Friend, describes a right which includes the use of water from Trout Creek for irrigation of 4.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.6 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.8 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.1 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 5.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 0.1 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 25, T 9 S, R 16 E, WM, with a date of priority of 1891.

The authorized point of diversion is located 575 ft S and 200 ft E from the S $\frac{1}{4}$  Corner of Sec 25, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 36, T 9 S, R 16 E, WM, (Friend Ditch No. 4).

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 50 ft S and 300 ft E from the NW Corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 25, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec 25, T 9 S, R 16 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Madras, Oregon, on January 25, 1978, 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 Jim Nartz, P.O. Box 25, Ashwood, Oregon 97711 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 WATER RESOURCES DIRECTOR WITHOUT A HEARING. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 23rd day of November, 1977.

James E. Sexson  
Director

Publish: December 1, 8, 15, 1977

**Affidavit of Publication**

State of Oregon  
County of Jefferson ss.

I, Arthur G. Statt, being first

duly 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 Water Right Transfer Application.

\_\_\_\_\_ , 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 1, 8, 15, 1977

Subscribed and sworn to before me this 16th day of

December, 19 77

Victor F. Statt  
Notary Public of Oregon.

My commission expires My Commission Expires September 19, 1980 day of \_\_\_\_\_, 19

RECEIVED  
DEC 20 1977  
WATER RESOURCES DEPT.  
SALEM, OREGON