

3348

STATUS OF APPLICATION

Change in point of diversion PLACE OF USE
 Date filed 1-13-76
 Date of hearing _____
 Place of hearing _____
 Date of order 5-5-78 Vol. 30, page 568
 Date for application of water 10-1-79
 Proof mailed MAY 20 1996
 Proof received _____
 Certificate issued AUG 19 1996 Vol. _____, page 72480

DESCRIPTION OF WATER RIGHT

Name of stream Trout Creek
 Trib. of _____ County of Jefferson
 Use irrigation
 Quantity of water _____ No. of acres 5 5
 Name of ditch East Wood
 Date of priority May 25, 1925
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 10182 Per. No. 7320 Cert. No. 8788
 Certificate cancelled _____
 Notation made on record by _____

REMARKS

See also T#3509

FEES PAID

Date	Amount	Receipt No.
1-13-76	45.00	51044
1-13-76	45.00 p.m.	51045
TOTAL . . .		
	Cert. Fee	

Trans. To T-3509 1/19/77

FEES REFUNDED

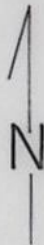
Date	Amount	Check No.

Fees	Exam	20.00
POD		15.00
POU		10.00
		45.00

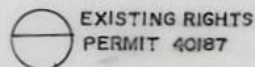
INDEX CARDS:		Entered	Checked
✓	Name	lg	
✓	Stream	lg	
	Pt. of Div.		
✓	Calendar	lg	
CHECKED TO RECORDS:			
✓	Twp. & Rge.	lg	
	Decree-vault		
	Decree-safe		
✓	Cert. of W/R	✓	
✓	Per. Folder	JWC	lg
	Chaindex		
	Cross Ref.		
✓	Power Claim	lg	
	Abstracts		

TO BE ENTERED WHERE CHECKED

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



SCALE: 1" = 1320'



DIV. PT 1
200' S & 600' W From C Of Sec 24
DIV. PT 2
350' S & 80' E From N1/4 Cor Of Sec 25
DIV. PT 3
1000' N & 300' E From C Of Sec 36
TRANSFER 3348

FINAL PROOF SURVEY

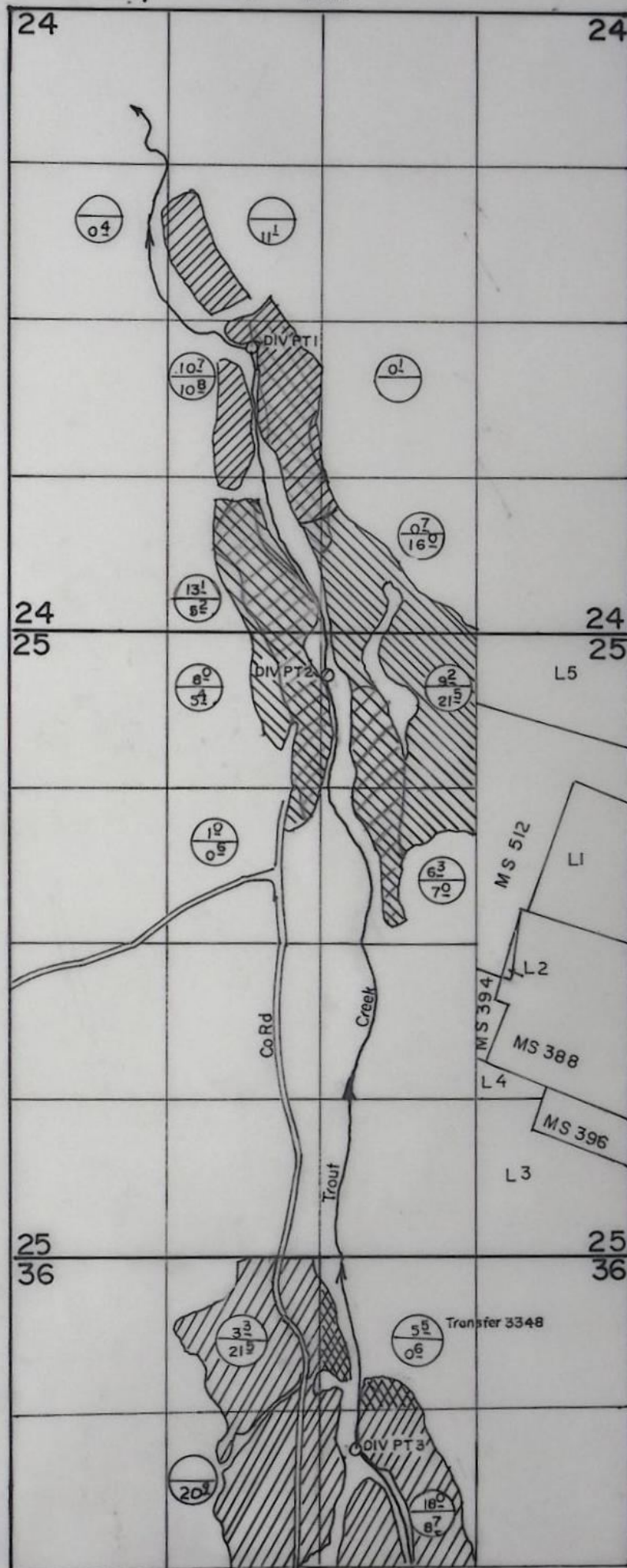
UNDER

TRANSFERS 3348
3509

Application No. 53846 Permit No. 40187
IN NAME OF

DARRELL & LUELLA FRIEND

Surveyed Jan. 22, 1990 By B W BISHOP



REVISED 6/19/96
JEX

STATE OF OREGON
COUNTY OF JEFFERSON

CERTIFICATE OF WATER RIGHT

This is to Certify, That Roy L. Friend

of Ashwood, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Trout Creek a tributary of Deschutes River for the purpose of Irrigation under Permit No. 7320. of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 25, 1925;

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 0.34 cubic foot per second;

The point of diversion is located in the NW 1/4 of Section 36, Township 9S, Range 16E W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 3.5 acres in the NE 1/4 NW 1/4, and 16.0 acres in the SW 1/4 NE 1/4, Section 36, Township 9 South, Range 16 East of the Willamette Meridian in Jefferson County, Oregon.

21.5 AC. POB CHANGE
6.5 AC. POB + POB CHANGE

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

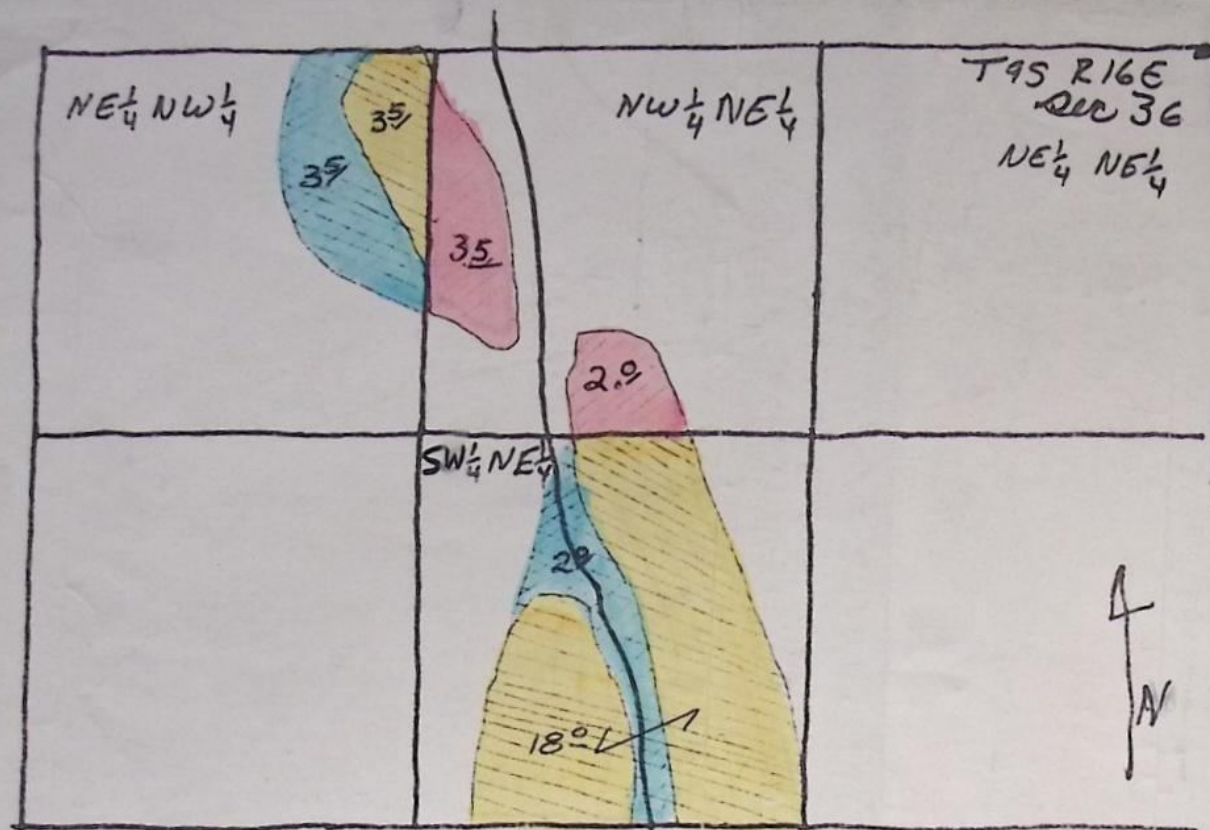
After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 30th day
of September, 1930

Rhea Luper

State Engineer.



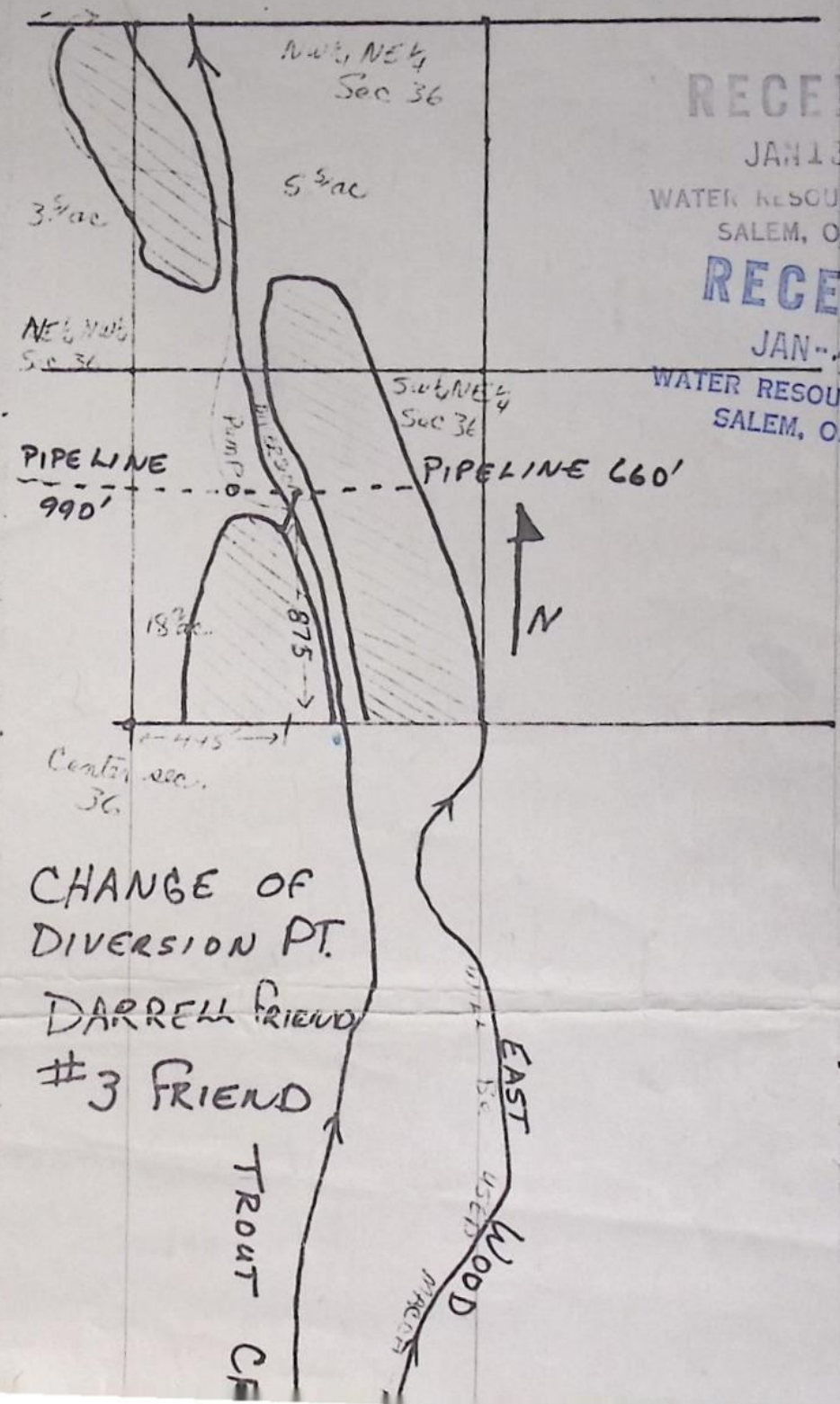
- EXISTING WATER RIGHT
- LAND TO TRANSFER
- LAND TRANSFERRED TO

DARRELL
FRIEND
APP. 8" ONE MILE

TRANSFER MAP
ORIGINAL CERTIFICATE # 8788

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JAN-4 1977
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
JAN 13 1976
WATER RESOURCES DEPT.
SALEM, OREGON



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SALEM, OREGON

CHANGE OF
DIVERSION PT.
DARRELL FRIEND
#3 FRIEND

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:

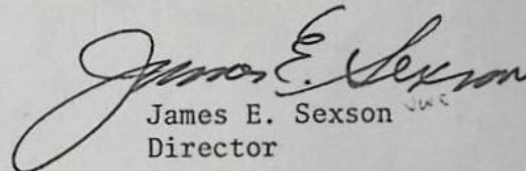
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

: POD
POU
USE
Add'1 POD

County Jefferson

Address P.O. Box 41 Ashwood, OR 97711

3. Use Irrigation

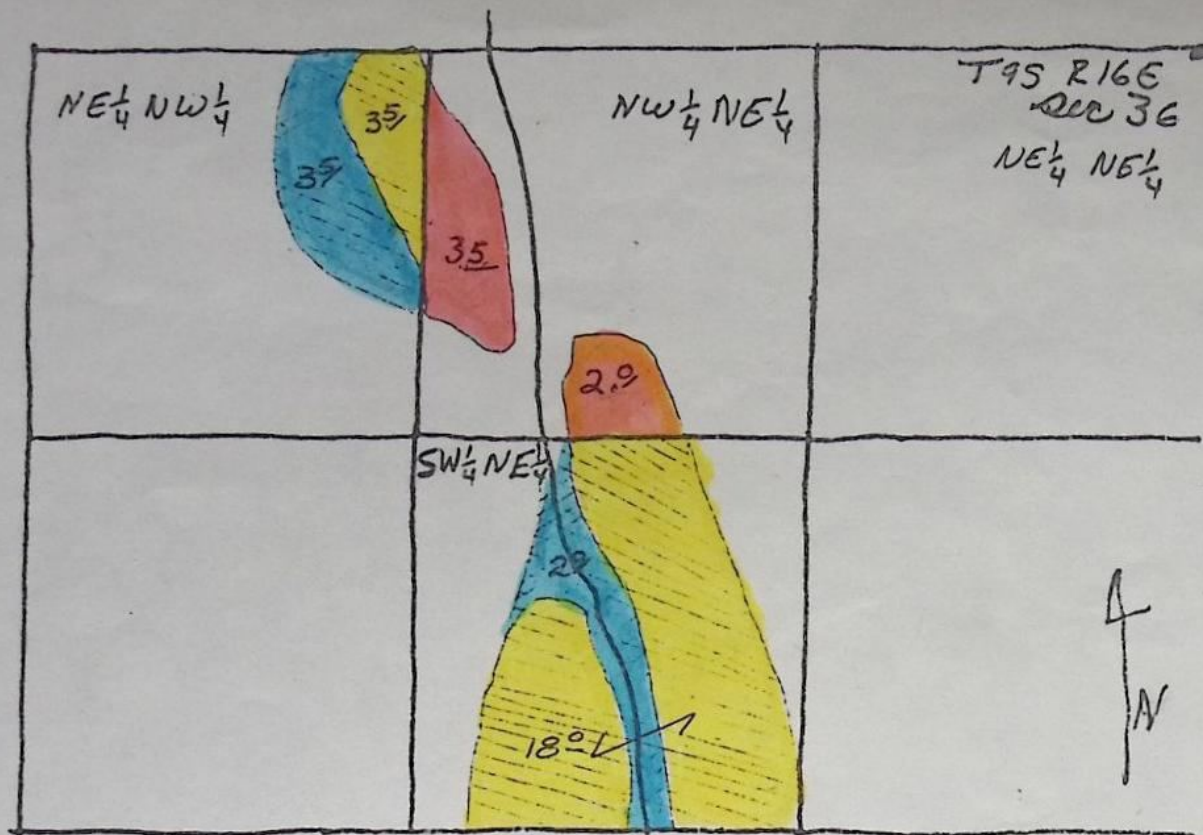
4. Amount of Water 0.34 cfs Priority Date May 25, 1925

5. Proposed Point of Diversion 875 feet N. and 445 feet E. from center of Section 36
being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 9 South, Range 16 East W.M., in the
County of Jefferson.

6. Completion Date October 1, 1979

7. Place of Use:

[illegible]



- EXISTING WATER RIGHT
- LAND TO TRANSFER
- LAND TRANSFERRED TO

TROUT CREEK

DARRELL FRIEND
APP. 8" ONE MILE

TRANSFER MAP

ORIGINAL CERTIFICATE # 8788

RECEIVED

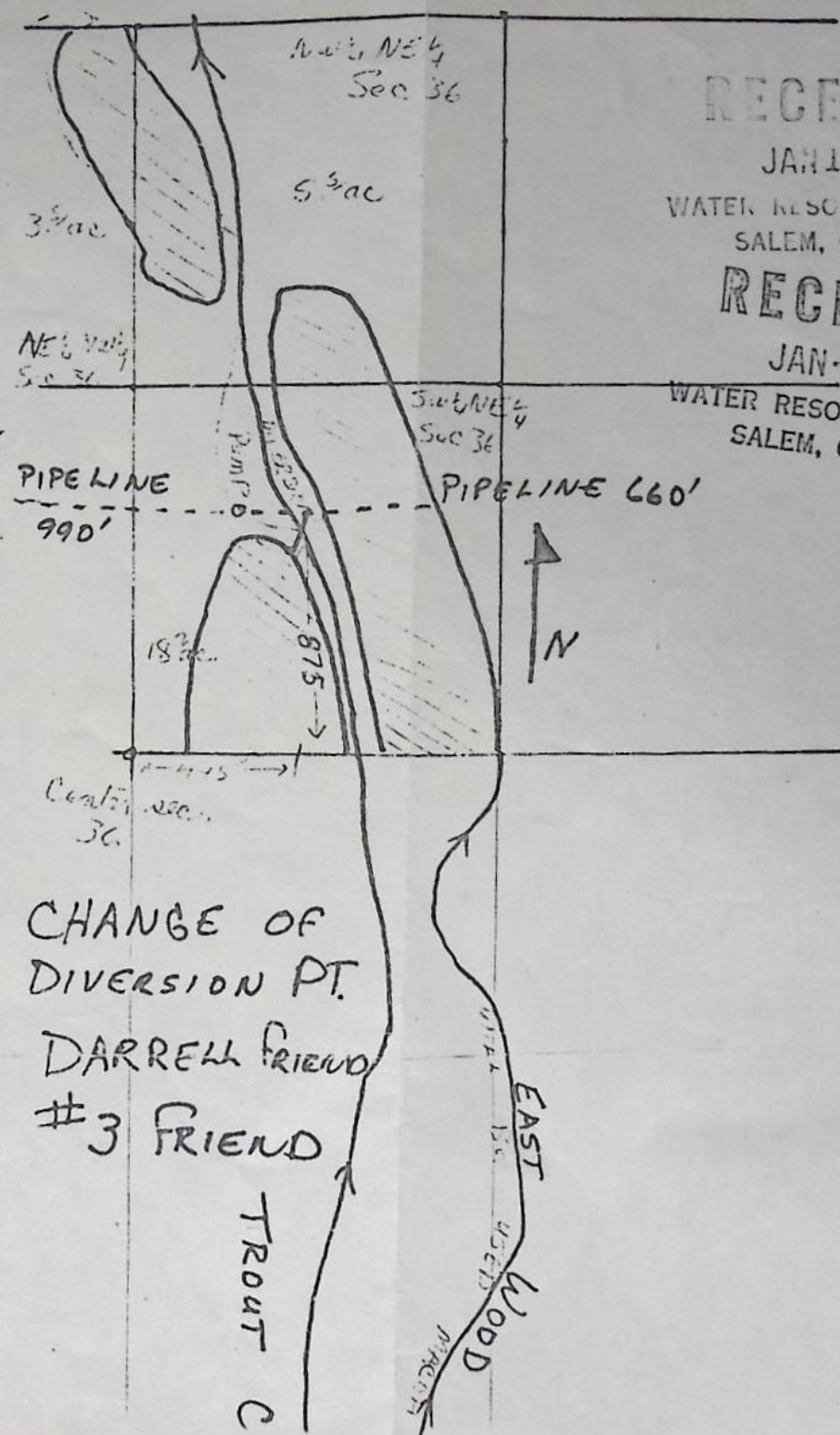
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SALEM, OREGON

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JAN 13 1976

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SALEM, OREGON



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WATER RESOURCES DEPT.
SALEM, OREGON

CHANGE OF
DIVERSION PT.

DARRELL FRIEND
#3 FRIEND

TROUT C

EAST WOOD

RECEIVED

JAN - 4 1977

WATER RESOURCES DEPT.
SALEM, OREGON

T #3348

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, DARRELL FRIEND Luella Friend
(Name of applicant)

of P.O. Box 41 ASHWOOD, County of JEFFERSON
(Postoffice)

State of OREGON, do hereby make application for change point of diversion
and place of use
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is TROUT CREEK
(Name of stream)

2. The use to which the water is applied is IRRIGATION
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is EAST WOOD DITCH

4. The point of diversion is located (1) 3800 ft N & 2300 ft W and (2) 2200 ft N & 1650 ft W
FROM THE SE CORNER OF Sec 36 being within the SW 1/4 NE and NW 1/4 SE 1/4
(Section or subdivision)

of Section 36 Tp 10S R. 16E W. M., in the County of JEFFERSON
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
9S	16E	36			2.0		3.5											
9S	16E	36			18.0		3.5											

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

0.34 cfs

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? MAY 25, 1925

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)

of permit 7320

10. Do you hold a water right certificate? yes If so, give number of certificate 8788
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

NO If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? Ed C. Fennell
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
95	166	36		5.5														

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 875 ft. N and 445 ft. E from the CENTER
(N. or S.) (E. or W.)
corner of Sec 36 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36 Tp. 9S R. 16E W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of JEFFERSON The name of the ditch to be used is #3 FRIEND

15. Are you the owner of the land on which the proposed point of diversion is to be located? YES

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? yes

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? NO
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
<u>Real Property</u>	<u>Federal Land Bank</u>	<u>21,000.-</u>

20. Reasons for the proposed changes are TRANSFER — acreage on original map had incorrect legal description DIVERSION POINT CHANGE — is for improved farm practice and better water usage.

AFFIDAVIT OF APPLICANT

STATE OF OREGON

County of Jefferson

} ss.

We Darrell Friend & Lulla Friend, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 13 day of May, 1976.

Darrell Friend Lulla Friend
(Name of applicant)

Subscribed and sworn to before me this 13 day of May, 1976



William L. Simmons
NOTARY PUBLIC FOR OREGON

My commission expires Dec 12, 1979

Remarks

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THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

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DEC 14 1978

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use and point of diversion from Trout Creek

PURSUANT TO TRANSFER APPLICATION NO. 3348

I, DARRELL FRIEND, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by APRIL, 1978

12-12-78

Date

Darrell Friend

Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
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