

3509

3509 DARRELL FRIEND
P.O. Box 41
ASHWOOD, OR 97711

STATUS OF APPLICATION

Change in POINT OF DIVERSION
 Date filed 1-13-76
 Date of hearing May 10, 1978
 Place of hearing Madras
 Date of order 5-11-78 Vol. 30, page 576
 Date for application of water 10-1-79
 Proof mailed MAY 20 1996
 Proof received _____
 Certificate issued AUG 19 1996 Vol. _____, page 72481

DESCRIPTION OF WATER RIGHT

Name of stream TROUT CREEK
 Trib. of DESCHUTES RIV. County of Jefferson
 Use IRRIGATION & STOCK
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 1891 & 1898
 In name of Mrs. C. FRIEND
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.	FROM
1-13-77	45.00	51045	P.L. 1/19/77
4-7-77	45.00	59559	
TOTAL . . .			
	No. Cert. Fee		

See T-3690
 The Madras Pioneer \$55.00 on 3/22/78 ck# 2079
FEES REFUNDED

Date	Amount	Check No.

Fee: Exam 20-
 P.O. 15-
 \$35-

(See also T#3690 re RR on C#2234)

REMARKS

See also T#3348

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
✓	Name	li	
✓	System	li	
✓	Pt. of Div.		
✓	Calendar	li	
	CHECKED TO RECORDS:		
✓	Twn. & Rgn.	li	
✓	Deed-Grant	li	li
✓	Deed-Conf.	li	
✓	Cert. of W.R.	li	
	Per. Policy		
	Chadler		
	Cross Ref.		
✓	Power Claim		
✓	Abstracts	li	

STATE OF OREGON
COUNTY OF JEFFERSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DARRELL AND LUELLA FRIEND
P.O. BOX 41
ASHWOOD, OREGON 97711

confirms the right to use the waters of TROUT CREEK, a tributary of the DESCHUTES RIVER, for the purpose of IRRIGATING 51.0 ACRES.

The right has been 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 FOR TRACTS 1 AND 2 AND MARCH 1898 FOR TRACT 3.

The points of diversion are located as follows:

(1) [EAST DITCH (FRIEND 1)] SW 1/4 SE 1/4, SECTION 25; (2) [EAST DITCH] NW 1/4 NE 1/4, SECTION 25, T 9 S, R 16 E, W.M.; DIVERSION 1 - 200 FEET SOUTH AND 600 FEET WEST FROM THE CENTER OF SECTION 24; DIVERSION 2 - 650 FEET NORTH AND 300 FEET EAST FROM THE S 1/4 CORNER OF SECTION 25.

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 1.5 ACRE-FEET PER ACRE DURING ANY PERIOD OF 30 DAYS OR 6.0 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year or its equivalent for each acre irrigated.

THE QUANTITY OF WATER DIVERTED AT THE NEW POINTS OF DIVERSION, TOGETHER WITH THAT DIVERTED AT THE ORIGINAL POINTS OF DIVERSION, SHALL NOT EXCEED THE QUANTITY OF WATER AVAILABLE AT THE ORIGINAL POINTS OF DIVERSION.

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

<u>TRACT 1</u>		
<u>DIVERSION 2</u>		
NW 1/4	NE 1/4	1.5 ACRES
NE 1/4	NW 1/4	8.0 ACRES
SE 1/4	NW 1/4	1.0 ACRE
SECTION 25		
SE 1/4	SW 1/4	10.0 ACRES
SECTION 24		
 <u>TRACT 2</u>		
<u>DIVERSION 2</u>		
NW 1/4	NE 1/4	7.7 ACRES
 <u>EAST DITCH (FRIEND 1) AND DIVERSION 2</u>		
SW 1/4	NE 1/4	6.3 ACRES
NW 1/4	SE 1/4	1.9 ACRES
SECTION 25		
TOWNSHIP 9 SOUTH, RANGE 16 EAST, W.M.		

SEE NEXT PAGE

T-3509.JSR

TRACT 3

DIVERSION 1

NE 1/4 SW 1/4 10.7 ACRES
NW 1/4 SE 1/4 0.1 ACRE

DIVERSION 2

SE 1/4 SW 1/4 3.1 ACRES
SW 1/4 SE 1/4 0.7 ACRE

SECTION 24

TOWNSHIP 9 SOUTH, RANGE 16 EAST, W.M.

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

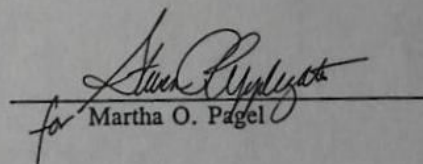
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in POINTS OF DIVERSION AND AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered MAY 11, 1978, and together with Transfer 3690, 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 shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed AUGUST 19, 1996.


for Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72481.

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} ~~Board of Water Commissioners~~ of the State of Oregon, in Volume ~~17~~ ⁴ 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 NW¹/₄NE¹/₄; 4.4 acres in the SW¹/₄NE¹/₄; 8 acres in the NE¹/₄NW¹/₄; 4.6 acres in the SE¹/₄NW¹/₄; 4.6 acres in the NE¹/₄SW¹/₄; 1.1 acres in the SE¹/₄SW¹/₄; 5 acres in the NW¹/₄SE¹/₄ and 0.1 acre in the SW¹/₄SE¹/₄ of Section 25 and 10 acres in the SE¹/₄SW¹/₄ of Section 24, T 9 S. R. 16 E. W. M., in Jefferson County, Oregon.

Tract No. 2: 7.7 acres in the NW¹/₄NE¹/₄; 6.3 acres in the SW¹/₄NE¹/₄ and 1.9 acres in the NW¹/₄SE¹/₄ of Section 25, T 9 S. R. 16 E. W. M., in Jefferson County, Oregon.

Tract No. 3: 10.7 acres in the NE¹/₄SW¹/₄; 3.1 acres in the SE¹/₄SW¹/₄; 0.1 acres in the NW¹/₄SE¹/₄ and 0.7 acres in the SW¹/₄SE¹/₄ of Section 24, T 9 S. R. 16 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.

WITNESS the seal and signature of the ^{State} ~~Board~~

Water Board of ~~Jefferson~~ affixed this 15th day

of May . 1919 .

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER
State Engineer, President

Attest:

R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 31, page 2234.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

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

ORDER APPROVING
TRANSFER NO. 3509

On January 13, 1976, an application was filed in the office of the Water Resources Director by Darrell Friend for approval of changes in points of diversion from Trout Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2234, Volume 3, State Record of Water Right Certificates, in the name of Mrs. C. Friend, describes certain rights allowed by Decree of the Court in the Trout Creek adjudication, which include:

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

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

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

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

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

V39 P576

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

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

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

Notice of the application, pursuant to ORS 540.510, was published in The Madras Pioneer, a newspaper printed and having general circulation in Jefferson County, Oregon, for a period of three weeks in the issues of March 2, 9 and 16, 1978.

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

No objections having been filed and it appearing that the proposed additional point of diversion may be established and the changes in points of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional point of diversion and changes in points of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates

and measuring devices:

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

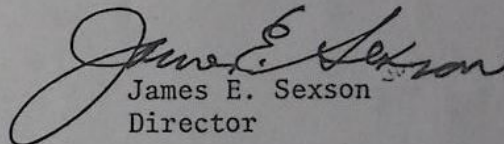
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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

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

It is FURTHER ORDERED that NO new certificate of water right be issued covering the balance of the right as provided in the order approving transfer No. 3690; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 11th day of May, 1978.


James E. Sexson
Director

STEREO & TELEVISION SALES & SERVICE

The Sound Cellar
 (Downstairs at Thrifty Drug)
 369 5th St.
 475-2142

Also . . . The Sound Cellar Annex



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 3

successive and consecutive weeks in the following issues:

March 2, 9, 16 1978

Arthur G. Statt

Subscribed and sworn to before me this 17th day of

March, 19 78

Violet F. Statt

Notary Public of Oregon.

My Commission Expires September 19, 1980

My commission expires _____ day of _____, 19____



RECEIVED
 MAR 20 1978
 WATER RESOURCES DEPT.
 SALEM, OREGON

HOUSEWIVES NEEDED
 few hours per week. can call
 \$75. Full-time earn even more.
 No investment. 475-6442.

WILL PAY CASH for mobile home tires and axles. Call 38 vcm16ap

WILL PERSON who called Bowerman regarding shooting of his dog please call him again at 475-3922 or 476616.

WANT TO RENT - Three bedroom house, Madras area, 476595. vcm16ap

Public and able to work with people. Call 475-3242 after 5:30 evenings.

**NOTICE OF WATER RIGHT
TRANSFER APPLICATION**
NO. 3509

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Darrell Friend for approval of changes 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 certain rights allowed by Decree of the Court in the Trout Creek adjudication, which include:

(a) Irrigation of, among other lands, 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 24; 1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.0 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 25, T 9 S, R 16 E, WM, under a date of priority of 1891, by diversion through the West Ditch (Friend No. 3), from a point of diversion located 1800 ft S & 50 ft E from the N $\frac{1}{4}$ Corner of Sec 25, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 25.

(b) Irrigation of 7.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 25, T 9 S, R 16 E, WM, under a date of priority of 1891, by diversion through the East Ditch (Friend No. 1), from a point of diversion located 650 ft N & 300 ft E from the S $\frac{1}{4}$ Corner of Sec 25, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 25.

(c) Irrigation of 10.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 3.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.1 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.7 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 24, T 9 S, R 16 E, WM, under a date of priority of March, 1898, by diversion through the Maupin Ditch (Friend No. 2), from a point of diversion located 900 ft S & 200 ft E from the N $\frac{1}{4}$ Corner of Sec 25, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 25.

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

(aa) With reference to the 6.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 25, as described in paragraph (b) above: continue to divert water through the East Ditch from the said point of diversion until June of each year and to establish an additional point of diversion (Pump No. 2) at a point located 450 ft S & 80 ft E from the N $\frac{1}{4}$ Corner of Sec 25, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 25, for irrigation of said lands after the first of June of each year, all with a priority date of 1891.

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

(cc) With reference to the 10.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 24, as described in paragraph (c) above, with a priority date of March, 1898: change from the point of diversion described in paragraph (c) above, to irrigate this land from Pump No. 1, located 120 ft S & 950 ft W from the Center of Sec 24, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 24.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Madras, Oregon, on May 10, 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 Darrell Friend, P.O. Box 41, Ashwood, OR 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 21st day of February, 1978.

James E. Sexson
Director

Publish: March 2, 9, 16, 1978

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

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successive and consecutive weeks in the following issues:

March 2, 9, 16 1978

Subscribed and sworn to before me this 17th day of
March, 19 78

Visler F. Statt
Notary Public of Oregon.
My commission expires September 19, 1980
day of September, 19 78