

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF MORROW BROS. FOR APPROVAL OF)
A CHANGE IN PLACE OF USE AND)
POINT OF DIVERSION FROM WILLOW CREEK)

ORDER APPROVING
TRANSFER NO. 3407

On May 10, 1976, an application was filed in the office of the Water Resources Director by Morrow Bros. for a change in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 13619, Volume 12, State Record of Water Right Certificates, in the name of Grizzly Livestock & Land Co., describes an existing right of record for the use of water from Willow Creek for irrigation of a certain 240.91 acres with a date of priority of 1886, being:

0.46 acre	in SE $\frac{1}{4}$ SE $\frac{1}{4}$	6.83 acres	in SW $\frac{1}{4}$ NW $\frac{1}{4}$
	Section 19,	3.67 acres	in NE $\frac{1}{4}$ SW $\frac{1}{4}$
8.21 acres	in SE $\frac{1}{4}$ NE $\frac{1}{4}$	21.7 acres	in NW $\frac{1}{4}$ SW $\frac{1}{4}$
14.03 acres	in SW $\frac{1}{4}$ SW $\frac{1}{4}$	13.59 acres	in SW $\frac{1}{4}$ SW $\frac{1}{4}$
17.81 acres	in SE $\frac{1}{4}$ SW $\frac{1}{4}$	30.0 acres	in SE $\frac{1}{4}$ SW $\frac{1}{4}$
7.16 acres	in NE $\frac{1}{4}$ SE $\frac{1}{4}$		Section 21,
3.89 acres	in NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.45 acres	in NE $\frac{1}{4}$ NE $\frac{1}{4}$
37.65 acres	in SW $\frac{1}{4}$ SE $\frac{1}{4}$		Section 30,
15.2 acres	in SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.04 acres	in NW $\frac{1}{4}$ NE $\frac{1}{4}$
	Section 20,	14.18 acres	in NE $\frac{1}{4}$ NW $\frac{1}{4}$
		37.04 acres	in NW $\frac{1}{4}$ NW $\frac{1}{4}$
			Section 29,

All within Township 12 South, Range 15 East, W.M.

Water for the said right is diverted from two points located (1) 350 feet North and 2650 feet East and (2) 1400 feet North and 1000 feet East from the Southwest corner of Section 21, being within the (1) SW $\frac{1}{4}$ SE $\frac{1}{4}$ and (2) NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 12 South, Range 15 East, W.M.

The applicant herein, owner of the lands above described, proposes to sever the right from a certain 0.46 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19; 9.33 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.85 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 3.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20; 1.79 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21; and 6.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 12 South, Range 15 East, W.M., and without loss of priority, to irrigate in lieu thereof a certain 1.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.86 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.88 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20; 11.9 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 3.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21; and 1.95 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 12 South, Range 15 East, W.M.

The applicant proposes to maintain the two points of diversion described in paragraph three, above, and to establish three additional points of diversion located (1A) 900 feet North and 2080 feet East from the Southwest corner of Section 21, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21; (2A) 1465 feet North and 1440 feet West from the Southeast corner of Section 20, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20; and (3) 450 feet North and 150 feet West from the Southeast corner of Section 19, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, all within Township 12 South, Range 15 East, W.M., for irrigation of all of the lands under the subject water right, being:

9.91 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
0.20 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 30,
4.70 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.48 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$
18.67 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$	14.18 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
7.16 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.04 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
8.77 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 29,
33.80 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$	18.73 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
12.10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$	3.67 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 20,	25.30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
	11.80 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
	30.00 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
	Section 21,

All within Township 12 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 April 7, 14, and 21, 1977.

Mr. Bruce A. Estes, Watermaster, 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 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 the diverted at the old 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 effective when in the judgement of the watermaster it becomes necessary to install head-gates 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;

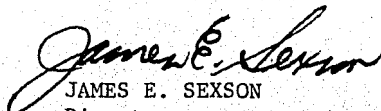
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the changes 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 Grizzly Livestock & Land Co., and recorded at Page 13619, Volume 12,

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 applicant herein.

Date at Salem, Oregon, this 22nd day of July, 1977.


JAMES E. SEXSON
Director