

3278

STATUS OF APPLICATION

Change in point of diversion
 Date filed 6-30-75
 Date of hearing _____
 Place of hearing _____
 ✓ Date of order 9-22-77 Vol. 29, page 352
 Date for application of water 10-1-79
 Proof mailed NOV 30 1999
 Proof received _____
 Certificate issued FEB 28 2000 Vol. _____, page 76428

DESCRIPTION OF WATER RIGHT

Name of stream unnamed stream
 Trib. of _____ County of Yamhill
 Use irrigation and stock
 Quantity of water 0.38 cfs No. of acres 29.5
 Name of ditch _____
 Date of priority Jan 25, 1963
 In name of Lee R. Morris
 _____ Adjudication, Vol. _____, page _____
 App. No. 38384 Per. No. 28705 Cert. No. 35196
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-30-75</u>	<u>30.00</u>	<u>48199</u>
TOTAL . . .		
<u>6-30-75</u>	<u>1.50</u> Cert. Fee	<u>48200</u>

FEES REFUNDED

Date	Amount	Check No.

Fec Exam 15⁰⁰
 P O D 15⁰⁰
 30⁰⁰

REMARKS

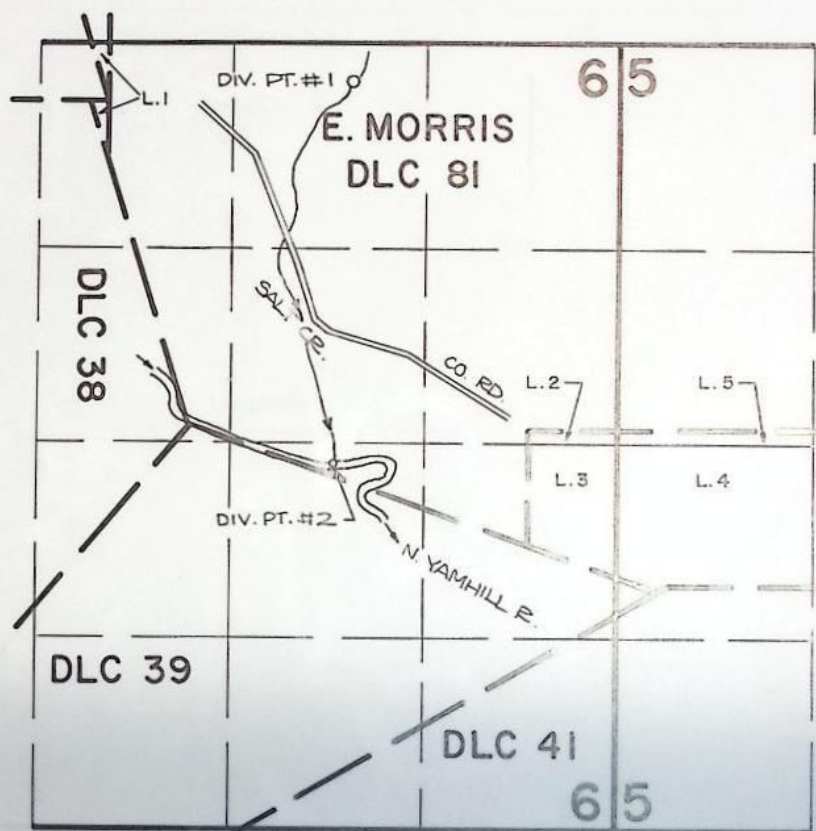
CARD FOR C DEC 26 1979

INDEX CARDS: Entered Checked

✓ Name	<u>lg</u>	
✓ Stream	<u>lg</u>	
Pt. of Div.		
✓ Calendar	<u>lg</u>	
CHECKED TO RECORDS:		
0 Twp. & Rge.		
Decree-vault		
Decree-sa/a		
✓ Cert. of W/R		
✓ Per. Folder		
Chaindex		
Gross Ref.		
Power Claim		
✓ Abstracts	<u>lg</u>	

CCB

T. 3S., R. 4W., W.M.



DIV. PT. #2 LOCATION: 175 FT. N. AND 1350 FT. W.;
DIV. PT. #1 LOCATION: 2340 FT. N. AND 1,210 FT. W.; BOTH FROM
THE N.W. CORNER OF LOT 2 (SE of NE)



SCALE: 4" = 1 MILE

FINAL PROOF SURVEY

UNDER

TRANSFER NO. 3278

IN NAME OF

ROLLIE & TED MORRIS

Surveyed JULY 10, 1984, by P. Paster



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

March 3, 2000

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water right established under the terms of a transfer order issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Steve Brown at (503) 378-8455, extension 263, or toll free (within Oregon) at 1-800-624-3199, ext. 263.

Front Page of Certificate 76428.

M:\groups\wr\forms\certtrans
original to certificate holder, copy to file



STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROLLIE AND TED MORRIS
10670 NW OAKRIDGE ROAD
YAMHILL, OREGON 97148

confirms the right to use the waters of AN UNNAMED STREAM (SALT CREEK), a tributary of NORTH YAMHILL RIVER, for IRRIGATION OF 29.5 ACRES AND STOCK USE.

This right was perfected under Permit 28705. The date of priority is JANUARY 25, 1963. This right is limited to 0.38 CUBIC FOOT PER SECOND (CFS), BEING 0.01 CFS FOR STOCK AND 0.37 CFS FOR IRRIGATION, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSIONS LOCATED IN THE SW 1/4 NE 1/4, SECTION 6, T 3 S, R 4 W, W.M.; OR BEING 4570 FEET NORTH AND 3160 FEET WEST, AND 4110 FEET NORTH AND 3030 FEET WEST, BOTH FROM THE NW CORNER OF DLC 80, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NW 1/4 NE 1/4, NW 1/4 SE 1/4, BOTH AS PROJECTED WITHIN DLC 81, SECTION 6, T 3 S, R 4 W, W.M.; 2340 FEET NORTH AND 1210 FEET WEST; 175 FEET SOUTH AND 1350 FEET WEST FROM THE NW CORNER OF LOT 2.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NW 1/4 NE 1/4	3.7 ACRES AND STOCK
SW 1/4 NE 1/4	17.8 ACRES AND STOCK
SE 1/4 NE 1/4	0.3 ACRE
NE 1/4 NW 1/4	3.2 ACRES
SE 1/4 NW 1/4	3.5 ACRES
NW 1/4 SE 1/4	1.0 ACRE

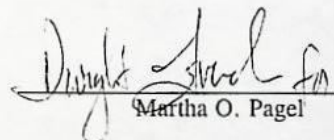
ALL AS PROJECTED WITHIN MORRIS DLC 81
SECTION 6
TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered SEPTEMBER 22, 1977 and supersedes Certificate 35196, 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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76428.

T-3278.LMT

STATE OF OREGON
COUNTY OF YAMHILL
PROPOSED CERTIFICATE OF WATER RIGHT

OK
found
2/21/00
JLB

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ROLLIE AND TED MORRIS
10670 NW OAKRIDGE ROAD
YAMHILL, OREGON 97148

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T-3278.LMT

OR-6
App. 2/23/55

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
Oregon

T# 3278
New POD for Irr

LOCATION OF A.C.P. PRACTICES
Program Year _____

Operator _____

A.C.P. Farm No. _____

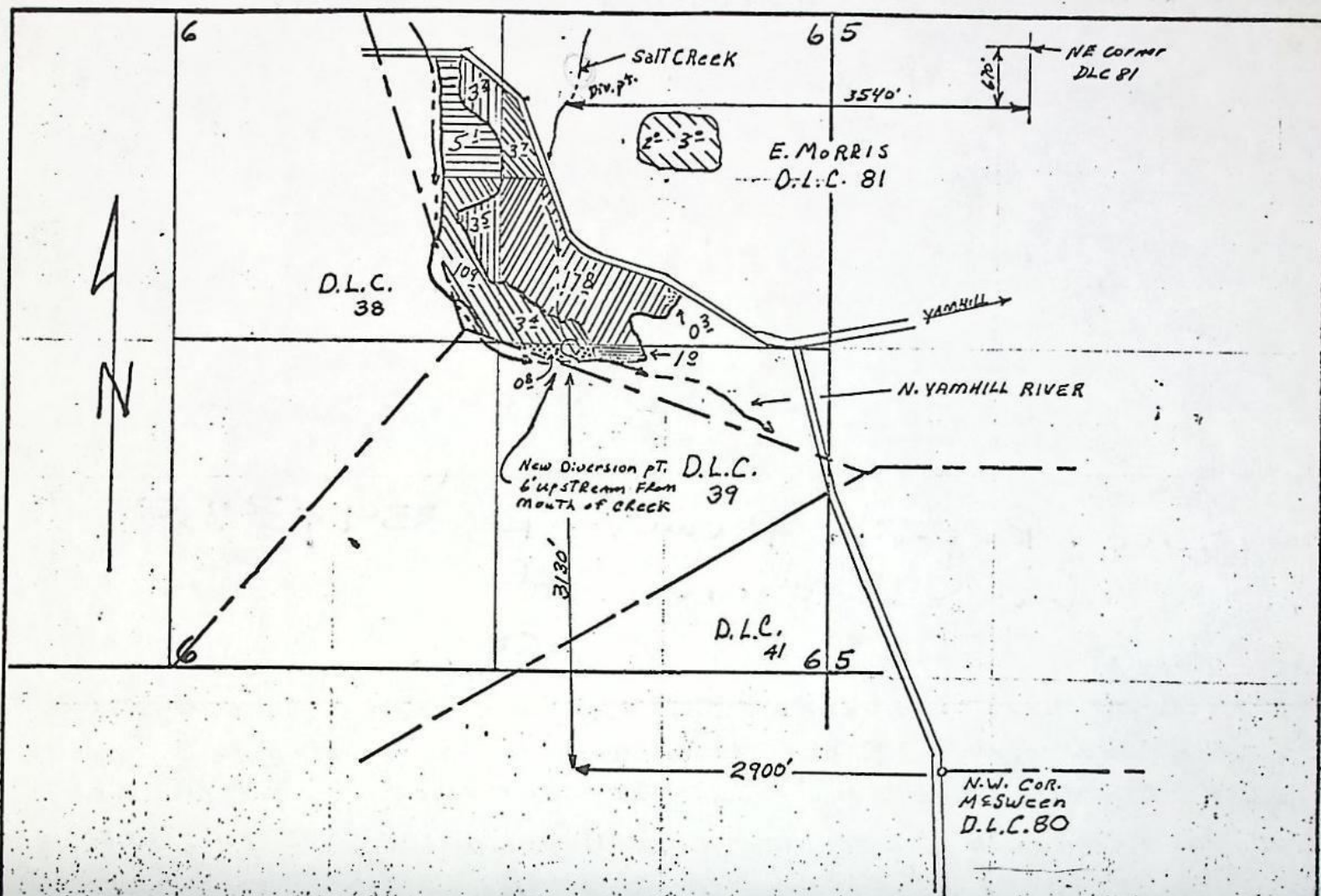
County Yamhill

Section 6 Township 3 S

Range 4 W

Aerial Photo No. DFQ-ILL-93

144



T-3278

INFO: R. MORRIS -- THE NEW DIV. PT. HAS BEEN USED SINCE 1979.

SOURCE: N. YAMHILL RIVER

DIV. PT.: WATER IS PUMPED DIRECTLY FROM RIVER, ABOUT 5-10 FT UPSTREAM FROM MOUTH OF SALT CR.

PUMP: CENTURY 50HP @ 3540 ELEC. DDC 4"x4"

PIPE: 1200 FT OF 5" AL
1640 FT OF 4" AL
400 FT OF 3" AL

SPRINKLERS: NELSON "F" 150 1 5/16"

LIFT: +5 FT TO +10 FT

USE: IRRIGATION OF CORN

TIE: 41071-178-82A

Peter Pagter WRE 7/10/84

See Report Permits R-6339 & 39587
for additional info



INFO: ROLLIE MORRIS CONFIRMED THAT HE PUMPS FROM EITHER N. YAMHILL RIV. & SALT CREEK USING THE SAME PUMP BY PIVOTING PUMP WHICH IS MOUNTED ON A TRAILER. DIVERSION FROM SALT CREEK WOULD THEN BE APPROX. 10' UPSTREAM FROM CONFLUENCE WITH N. YAMHILL RIVER. THIS INFO. WAS CONFIRMED BY INSPECTION OF PUMPING POINT. DIV. PT. IS AS LOCATED BY PAGTER IN '84 BUT IS MORE LIKE 20' UPSTREAM FROM SALT CREEK

RE-DO

8/4/87

Benjamin W. Bishop
W.R.-I

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION OF)
ROLLIE AND TED MORRIS FOR APPROVAL)
OF CHANGES IN POINT OF DIVERSION OF)
WATER FROM AN UNNAMED STREAM)

ORDER APPROVING
TRANSFER NO. 3278

On June 30, 1975, an application was filed in the office of the Water Resources Director by Rollie and Ted Morris for changes in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 35196, Volume 27, State Record of Water Right Certificates, in the name of Leo R. Morris, describes a right for the use of not to exceed 0.38 cubic foot per second from an unnamed stream, with a date of priority of January 25, 1963, being 0.01 cubic foot per second for stock use in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 3 South, Range 4 West, W.M.; and 0.37 cubic foot per second for irrigation of 3.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 17.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.3 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 6.

Water for stock is diverted from a point located 4570 feet North and 3160 feet West from the Northwest corner of McSween D.L.C. No. 80, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6.

Water for irrigation is diverted from a point located 4110 feet North and 3030 feet West from the Northwest corner of the McSween D.L.C. No. 80, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6.

The applicants herein, owners of the lands above described, propose to change the point of diversion for irrigation from the above described location to a point located 3130 feet North and 2900 feet West from the Northwest corner of the

McSween D.L.C. No. 80, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 6.

The applicants also propose to change the point of diversion for stock water from the location described above to a point located 670 feet South and 3540 feet West from the Northeast corner of the E. S. Morris D. L. C. No. 81, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes 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 changes in point of diversion as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water available at the new 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 Leo R. Morris and recorded at page 35196, Volume 27, 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.

Dated at Salem, Oregon, this 22nd day of September, 1977.

/s/ James E. Sexson
Director

RECEIVED

MAY - 6 1977

WATER RESOURCES DEPT.
SALEM, OREGON

T-3278

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Rollie + Ted Morris, sons of L.R. MORRIS
(Name of applicant)

of Yamhill (Postoffice), County of Yamhill

State of Oregon, do hereby make application for change

In point of diversion
(In point of diversion; place of use; use heretofore made of the water)

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

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

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

4. The point of diversion is located irr. 4110 ft. N and stock 4570 ft. 3030 ft. W from the NW corner of Mc Sween Dwc 80 being within the SW 1/4 of the NE 1/4
(N. or S.) (E. or W.)

of Section 6 Tp. 3s R. 4w W. M., in the County of Yamhill
(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
3s	4w	6		37	178	03	32			35					1.0			
3s	4w	6		stock	stock													

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

(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? Jan. 25 1963

9. Was your water right acquired by State Engineer's Permit? yes If so, give number of permit 28705
(Yes or No)

35196
28705
10. Do you hold a water right certificate? yes If so, give number of certificate 28705
(Yes or No)

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

Yes If so, give title of proceedings Leo R. Morris
(Yes or No)

12. Is the water right recorded in your name? no Rolfe & Ted Morris
(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 $\frac{1}{4}$

(Attach separate sheet if necessary)

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

Sec also Remarks? #1
14. The proposed point of diversion is located 3130 ft. N and 2900 ft. W from the NW cor. corner of NW cor. being within the NW $\frac{1}{4}$ of Section 6 of McSwen of Section 6 Tp. 3S R. 4W W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)
in the county of Yamhill The name of the ditch to be used is

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? no

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.? yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are The present location
Does NOT have sufficient flow at certain
times of year to maintain pumping stations.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Yamhill

} ss.

I, *THEODORE L MORRIS*, 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 *2* day of *MAY*, 19*77*

Theodore L Morris

(Name of applicant)

Subscribed and sworn to before me this *2* day of *May*, 19*77*

[Notarial Seal]

Bertie L. Sharp
NOTARY PUBLIC FOR OREGON

My commission expires _____ My Commission Expires May 10, 1979

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of YAMHILL } ss.

I, Rollie J. Morris, 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 26 day of June, 19 75

Rollie J. Morris
(Name of applicant)

Subscribed and sworn to before me this 26 day of June, 19 75

[Notarial Seal]

Richard J. Anderson
NOTARY PUBLIC FOR OREGON

My commission expires may 13 1979

Remarks Diversion no. 2. 670' S + 3540'

W. from The NE corner Morris Dbc 81
being within NW 1/4 NE 1/4 Sect 6 T3SR4W
Further explanation of diversion points. Stock water
diversion pt. - The diversion point is moved upstream
on Salt Creek to enable us to fill our pond by
gravity. Irrigation diversion pt. The original
field was 29.5 acres and we obtained a water permit Jan. 25,
1963, using the original Salt Creek diversion point. At that
time there was ~~enough~~ enough water in the creek to irrigate those
acres. Since that time we have cleared & leveled this field
to make it 40 acres. Our source of power is now at the

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.

new diversion point at the mouth of Salt Creek. We will
have the same crop in the entire field and all will have
similar water needs. At the new diversion (the mouth
of Salt Creek) we felt that we could use water from the
creek supplemented by the river until there was
a shortage of water. At that time we could release
water from our holding pond upstream to finish
irrigating the crop. In addition, our source of
electricity is at the mouth of Salt Creek.



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

April 5, 1985

Rollie and Ted Morris
Route 1, Box 172
Yamhill, OR 97148

REFERENCE: Transfer 3278

On July 10, 1984, representatives from our office made an inspection of your irrigation project associated with Transfer 3278 which authorized changes in location of points of diversion for the water right as evidenced by Certificate 35196.

The order approving the transfer allowed for the diversion of water from Salt Creek immediately upstream from the confluence with the North Yamhill River.

According to the field inspection report the only diversion of water from Salt Creek occurs approximately a half mile upstream from where Salt Creek flows into the North Yamhill River. If you wish to be entitled to appropriate water from Salt Creek at the point of diversion one-half mile upstream from the confluence with the North Yamhill River for the lands allowed under Certificate 35196, another transfer application for a change in point of diversion should be submitted.

We will hold action of Transfer 3278 for a reasonable length of time pending your reply.

Sincerely,

Stephen C. Brown
Senior Water Rights Examiner

SCB:jvm



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 8-26, 1977.FROM: Ben MonroeRECEIVED
AUG 29 1977
WATER RESOURCES DEPT
SALEM, OREGONSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. T-3278IN THE NAME OF Rollie & Ted Morris, sons of L.R. Morris

In my opinion the proposed changes in Point of Diversion
may be made without injury would result in injury* to existing water rights.

Headgate notices have have not been issued for diversions from the source which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? No
(yes or no)

In my opinion the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion...
X (2) When in the judgement of the watermaster it becomes necessary...

* The approval of this transfer application would result in injury to other water rights because with the understanding that they would be limited to the amount of water available @ old point's of diversion.

B. Monroe

OR-8
App. 2/23/55

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
Oregon

T# 3278
New POD for Irr

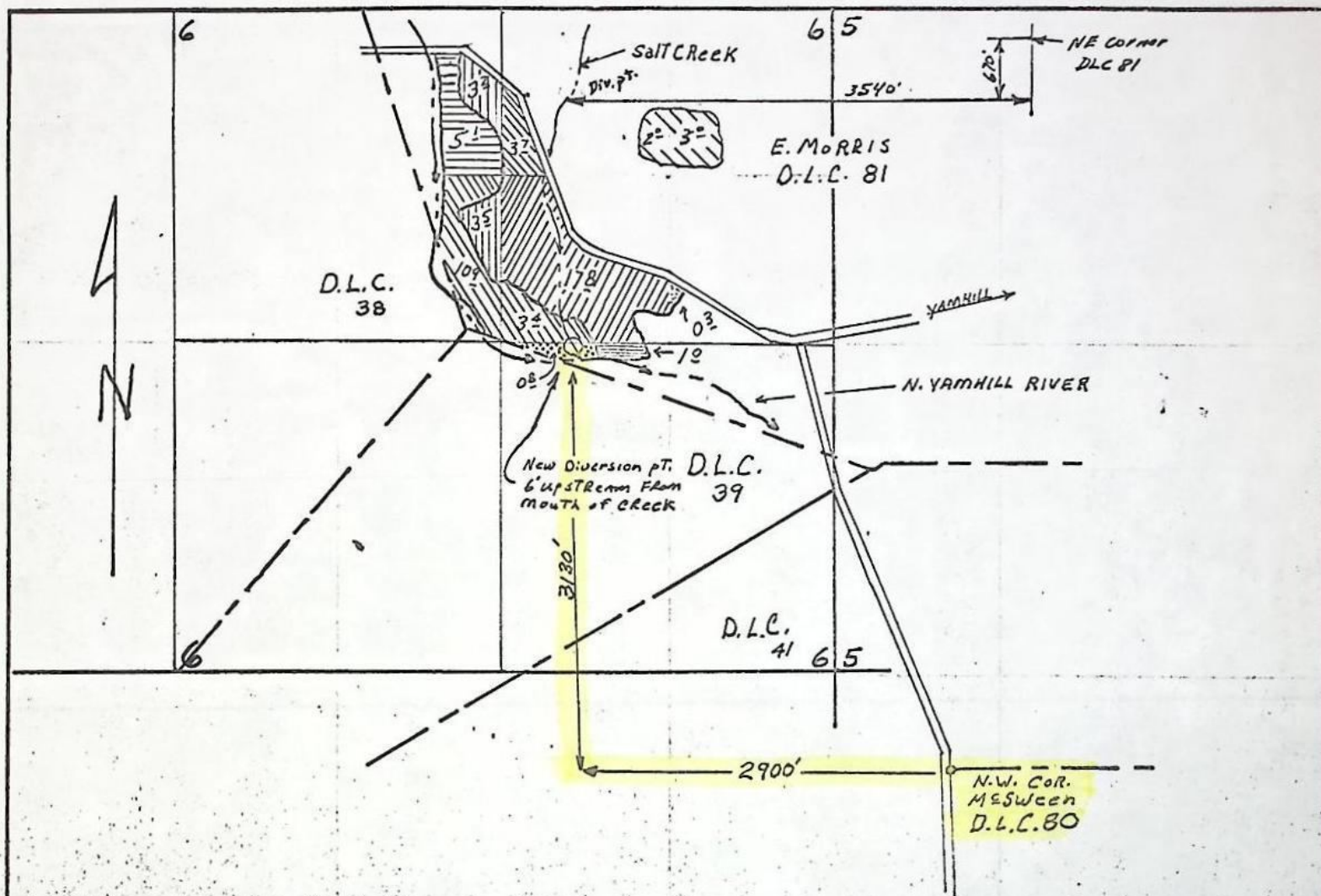
LOCATION OF A.C.P. PRACTICES
Program Year _____

Operator _____

A.C.P. Farm No. _____

County Yamhill

Section 6 Township 3 S Range 4 W Aerial Photo No. DFQ-111-93



T-3278

App. 2/23/55

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
Oregon

T# 3278
New POD for Stock

Application No. A.C.P. 583524 5335
Permit No. 8-6329 &
36587

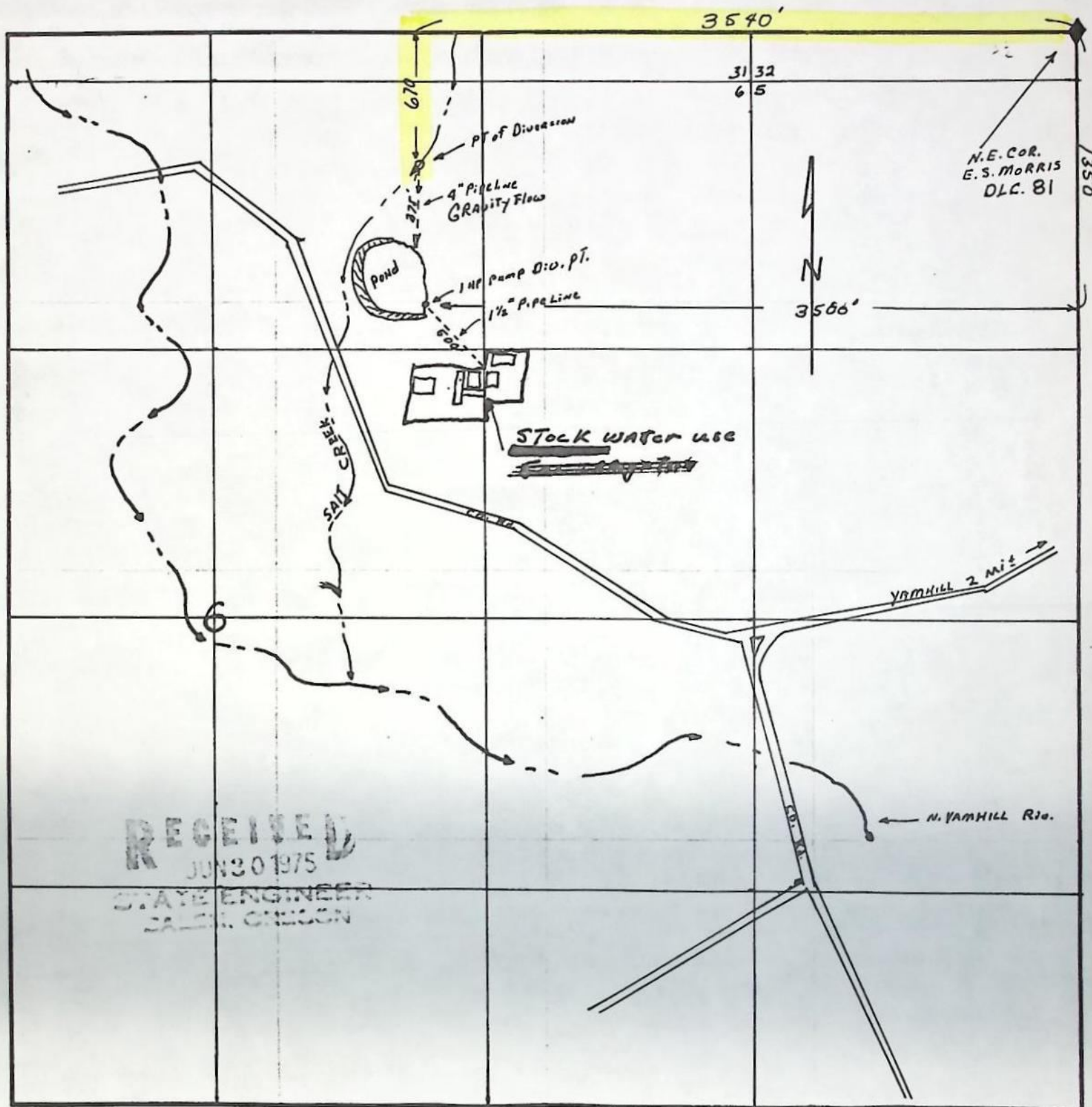
LOCATION OF A.C.P. PRACTICES
Program Year _____

Operator Tod & Rollic MORRIS

A.C.P. Farm No. _____

County Yamhill

Section 6 Township 35 Range 4W Aerial Photo No. DFQ-144-73



RECEIVED
JUN 30 1975
STATE ENGINEER
DAVID L. GREGG