

2631 WARREN St  
Virginia B. Morse  
18252 Redwood Hwy  
P.O. Box 762, Selma, Ore 97538

2631

### STATUS OF APPLICATION

Change in Point of Diversion  
Date filed April 18, 1972  
Date of hearing November 14, 1972 9:30  
Place of hearing Shasta Pass  
Date of order Dec. 18, 1972 Vol. 22, page 356  
Date for application of water October 1, 1973  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued 5-31-73 Vol. 31, page 39239 R.R.C.  
JUL 3 1979  
JUL 3 1979  
41  
41  
48253  
48254  
Survey

### DESCRIPTION OF WATER RIGHT

Name of stream Clear Creek  
Trib. of Illinois River County of Josephine  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 30  
Name of ditch Hammer ditch  
Date of priority 1933 (Private)  
In name of R. L. Hammer & Co. - R. L. Hammer, Jr.  
\_\_\_\_\_ Adjudication, Vol. X, page 12241  
App. No. 14911 Per. No. 10869 Cert. No. 12241  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

### FEES PAID

Date	Amount	Receipt No.
<u>4-18-72</u>	<u>25.00</u>	<u>28117</u>
<u>4-18-72</u>	<u>30.00 P.O.N.</u>	<u>28118</u>
<u>7/3/72</u>	<u>30.00 P.O.N.</u>	<u>29987</u>
<u>7/31/72</u>	<u>25.00</u>	<u>29986</u>
<u>11-16-72</u>	<u>1.50</u>	<u>31464</u>
<u>11-16-72</u>	<u>1.63 P.O.N.</u>	<u>31463</u>

### FEES REFUNDED

Date	Amount	Check No.
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### REMARKS

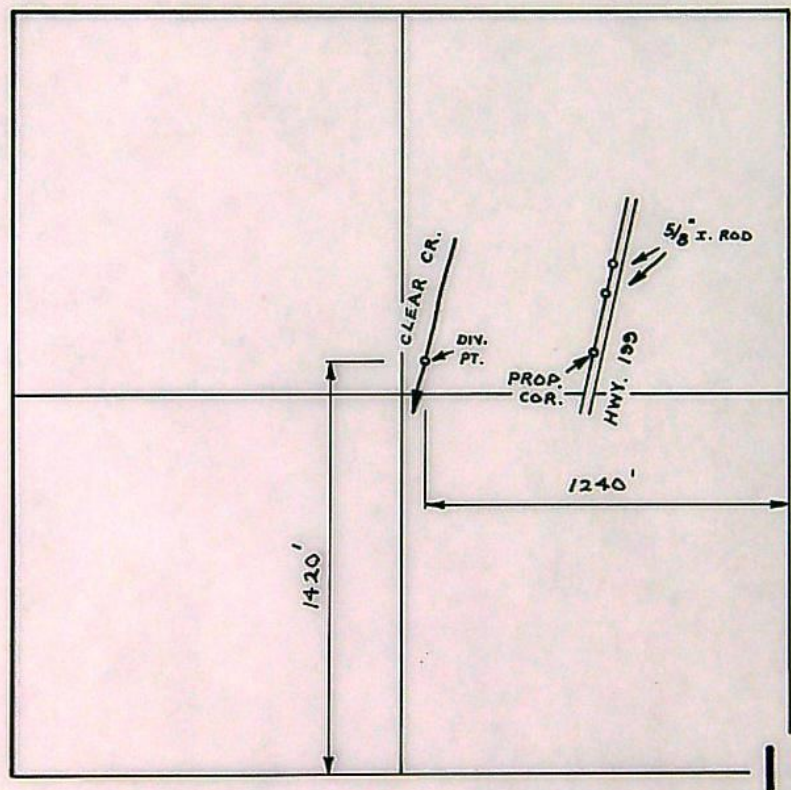
See also T-2591 relative to adjacent lands. for

See T#3738 for  $\Delta$  in Use from 10 ac in to Dom (1)

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
_____ Name	_____	_____
_____ Stream	_____	_____
_____ Pt. of Div.	_____	_____
_____ Calendar	_____	_____
CHECKED TO RECORDS:		
_____ Twp. & Rge.	_____	_____
_____ Decree-vault	_____	_____
_____ Decree-safe	_____	_____
_____ Cert. of W/R	_____	_____
_____ Per. Folder	_____	_____
_____ Chainindex	_____	_____
_____ Cross Ref.	_____	_____
_____ Power Claim	_____	_____
_____ Abstracts	_____	_____



T. 38 S., R. 8 W., W.M.



SCALE: 1" = 660 FT.

**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2631

Application No. .... Permit No. ....

IN NAME OF

**WARREN S. & VIRGINIA B. MORSE**

Surveyed JUL. 17 1978, by B. SUND

D.H.M.

P.T.S. - 1978 - 14 - A



STATE OF OREGON  
COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** **R. L. HAMMER & CO. by R. L. Hammer, Jr.**

of **Selma**, 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 **Clear Creek**

a tributary of **Illinois River** for the purpose of **irrigation of 12.0 acres**

under Permit No. **10869** 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 **April 27, 1933 for 0.152 second-foot and June 8, 1933 for 0.088 second-foot**

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 **0.24 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, T. 38 S., R. 8 W., W. M.**

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-fiftieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated throughout the irrigation season from April 1, to November 1 of each year,

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

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

**12.0 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 11  
T. 38 S., R. 8 W., W. M.**

Certificate of water right issued to R. L. Hammer & Co. by R. L. Hammer, Jr. and recorded at page 12241, Volume 11, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 15.0 acres. A change in the right to the use of water appurtenant to 3.0 acres was approved by orders of the State Engineer entered December 13, 1972 and December 18, 1972. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to R. L. Hammer & Co. by R. L. Hammer, Jr.

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

WITNESS the signature of the State Engineer, affixed

this date. **May 31, 1973**

**CHRIS L. WHEELER**

State Engineer

Recorded in State Record of Water Right Certificates, Volume **31**, page **39239**



## STATE OF OREGON

COUNTY OF

JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WARREN S. &amp; VIRGINIA B. MORSE

of 18252 Redwood Highway, Selma, State of Oregon, 97538, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Clear Creek

a tributary of Illinois River  
irrigation of 1.0 acre

for the purpose of

under Permit No. 10869 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 April 27, 1933 for 0.013 c.f.s. and June 8, 1933 for 0.007 c.f.s. 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 0.02 cubic foot per second, if available at the original point of diversion; SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, T. 38 S., R. 8 W., W. M., 230 feet North and 650 feet West from the NE $\frac{1}{4}$  Corner, Section 11

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, T. 38 S., R. 8 W., W. M., 1420 feet North and 1240 feet West from the Center, Section 11.

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-fiftieth of one cubic foot per second per acre, or its equivalent for each acre irrigated throughout the irrigation season from April 1, to November 1 of each year,

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

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

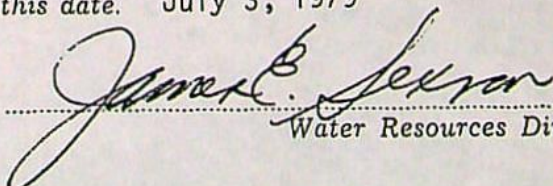
1.0 acre NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 11  
T. 38 S., R. 8 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered December 18, 1972 and together with certificates of water right recorded at Page 48253, Volume 41 and Page 39239, Volume 31, State Record of Water Right Certificates supersedes certificate of water right recorded at Page 12241, Volume 11, State Record of Water Right Certificates. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. July 3, 1979

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 48254



BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF WARREN S. MORSE AND VIRGINIA B. )  
MORSE FOR THE APPROVAL OF A CHANGE )  
IN POINT OF DIVERSION OF WATER FROM )  
CLEAR CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2631

On July 31, 1972, Warren S. Morse and Virginia B. Morse filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to R. L. Hammer & Company, and R. L. Hammer, Jr. and recorded at page 12241, Volume 11, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.19 cubic foot per second with a date of priority of April 27, 1933, and 0.11 cubic foot per second with a date of priority of June 8, 1933, from Clear Creek, for the irrigation of, among other lands, 1.0 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 38 South, Range 8 West, W.M. These lands are irrigated from a point of diversion located 230 feet North and 650 feet West from the North  $\frac{1}{4}$  corner of Section 11, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 38 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation through a pump from a point located 1385 feet North and 1245 feet West from the center of Section 11, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, Township 38 South, Range 8 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were,



namely: at the county courthouse in Grants Pass, Oregon, on November 14, 1972, at 9:30 a.m. The notice was published in the Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of September 21, 28, and October 5, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert Steimer, Watermaster of District No. 14, has filed a report 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 proposed change in point of diversion of water from Clear Creek, to-wit:

From a point located 230 feet North and 650 feet West from the North  $\frac{1}{4}$  corner of Section 11, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 38 South, Range 8 West, W.M.

To a point to be located 1385 feet North and 1245 feet west from the center corner of Section 11, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, Township 38 South, Range 8 West, W.M.

for the irrigation of 1.0 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 38 South, Range 8 West, W.M., with dates of priority of April 27, 1933 and June 8, 1933, is approved.

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, 1973.

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, and shall not exceed 0.013



cubic foot per second with a date of priority of April 27, 1935<sup>3</sup> and  
0.007 cubic foot per second with a date of priority of June 8, 1933.

It is FURTHER ORDERED that the following provisions shall  
be effective when in the judgement 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.

The Order of the State Engineer entered December 13, 1972,  
approved an application of R. L. Hammer for a change in point of diver-  
sion for the irrigation of 2.0 acres, and canceled the certificate  
recorded at page 12241, Volume 11, State Record of Water Right Certifi-  
cates.

It is FURTHER ORDERED that on receipt of proof satisfactory  
to the State Engineer of completion of the authorized change in point  
of diversion, a certificate of water right shall be issued to Warren S.  
and Virginia B. Morse confirming said change in point of diversion.

Dated at Salem, Oregon, this 18th day of December, 1972.

/s/ CHRIS L. WHEELER  
State Engineer



# Affidavit of Publication

## LEGAL NOTICE

### NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Warren S. Morse and Virginia B. Morse have filed an application for the approval of a change in point of diversion of water from Clear Creek.

Certificate of water right issued by R. L. Hammer & Co., by R. L. Hammer, Jr., and recorded at page 12241, Volume 11, State Record of Water Right Certificates, confirms a right to the use of 0.30 cubic foot per second from Clear Creek for the irrigation of, among other lands, 1.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 38 South, Range 8 West, W.M., with date of priority of 1933. Water for this use is diverted from a point located 230 feet North and 650 feet West from the North  $\frac{1}{4}$  corner of Section 11, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 38 South, Range 8 West, W.M.

The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 1385 feet North and 1245 feet West from the center of Section 11, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, Township 38 South, Range 8 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on November 14, 1972, 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 Warren S. Morse and Virginia B. Morse, 18252 Redwood Highway, P. O. Box 762, Selma, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 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 State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 14th day of September, 1972.

CHRIS L. WHEELER  
State Engineer

21-3tc

STATE OF OREGON, }  
County of Josephine } ss.

I, Robert L. Grant, being first duly sworn, depose and say I am the foreman of the printers of the Illinois Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58, Oregon Laws, that legal - change point of diversion water - Morse & Hammer a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weekly issues on the following dates:

Sept 21, + 28, 1972 and Oct 5, 1972

Robert L. Grant

Subscribed and sworn to before me this 6 day of Nov., 1972.

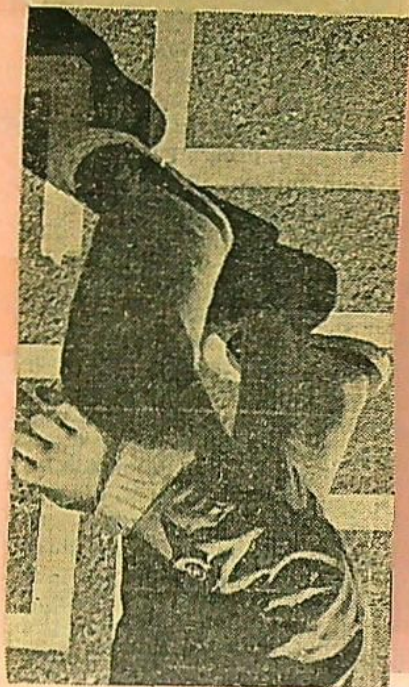
Frank Grove Ault, Jr.  
Notary Public for Oregon.

(My Commission expires



AT





## Affidavit of Publication

STATE OF OREGON,  
County of Josephine

} ss.

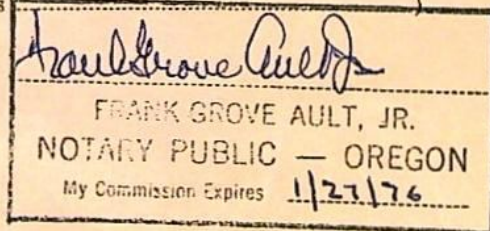
I, Robert L. Grant, being  
first duly sworn, depose and say I am the foreman of the printers of the  
Illinois Valley News, a newspaper of general circulation printed and  
published at Cave Junction in the aforesaid county and state, as defined  
in Section 58, Oregon Laws, that legal - change point of diversion  
water - Morse & Hansen a printed copy of which is hereto an-  
nexed, was published in the entire issue of said newspaper for 3  
successive and consecutive weekly issues on the following dates:  
Sept 21, + 28, 1972 and Oct 5, 1972

Robert L. Grant

Subscribed and sworn to before me this 6 day  
of Nov, 1972

Frank Grove Ault, Jr.  
Notary Public for Oregon.

(My Commission expires



RECEIVED  
NOV 7 1972  
STATE ENGINEER  
SALEM OREGON