

3408

PON fund in T#3407

## STATUS OF APPLICATION

Change in point of diversion  
 Date filed 5-10-76  
 Date of hearing 5-26-77  
 Place of hearing Madras  
 Date of order 7-22-77 Vol. 29, page 118  
 Date for application of water 10-1-79  
 Proof mailed JUN 27 2000  
 Proof received \_\_\_\_\_  
 Certificate issued JUN 08 2001 Vol. \_\_\_\_\_, page 76961

## DESCRIPTION OF WATER RIGHT

Name of stream Willow Creek  
 Trib. of \_\_\_\_\_ County of Jefferson  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of Grizzley Livestock & Land Co  
Deschutes R. Adjudication, Vol. 89, page 517 498  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 13618  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>5-10-76</u>	<u>35.00</u>	<u>54964</u>
TOTAL . . .		
	No Cert. Fee	

## FEES REFUNDED

Date	Amount	Check No.

Fees Exam 20-  
 POD 15-  
35.00

See also T#3407

to survey 12/79

OK Cert

## REMARKS

PON &amp; WM report in file #3407

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input type="checkbox"/>	Name		<u>lg</u>	
<input type="checkbox"/>	Stream		<u>lg</u>	
<input type="checkbox"/>	Pt. of Div.		<u>lg</u>	
<input type="checkbox"/>	Calendar			
CHECKED TO RECORDS:				
<input type="checkbox"/>	Twp. & Rge.			
<input checked="" type="checkbox"/>	Decree-vault		<u>lg</u>	
<input checked="" type="checkbox"/>	Decree-note		<u>lg</u>	
<input checked="" type="checkbox"/>	Cert. of W.R.			
<input type="checkbox"/>	Per. folder			
<input type="checkbox"/>	Chainindex			
<input type="checkbox"/>	Cross Ref.			
<input type="checkbox"/>	Power Claim			
<input checked="" type="checkbox"/>	Abstracts		<u>lg</u>	



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

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

ORDER APPROVING  
TRANSFER NO. 3408

On May 10, 1976, an application was filed in the office of the Water Resources Director by Morrow Bros., for an additional 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 13618, Volume 13, 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 25.9 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 0.96 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 7.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20; 11.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 2.91 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 12 South, Range 15 East, W.M., with a date of priority of 1875.

Water for the said right is diverted from a point located 1400 feet North and 1000 feet East from the Southwest corner of Section 21, being within the 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 establish, without loss of priority, an additional point of diversion located 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, Township 12 South, Range 15 East, W.M., for irrigation of said lands.



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 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 requested additional point of diversion as described herein, without loss of priority, is approved.

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

Is 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, 1979.

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It is FURTHER ORDERED that the certificate of water right heretofore issued to Grizzly Livestock & Land Co., and recorded at Page 31618, 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.

Dated at Salem, Oregon, this 22nd day of July, 1977,

/s/ JAMES E. SEXSON  
Director



## STATE OF OREGON

COUNTY OF JEFFERSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That GRIZZLY LIVESTOCK &amp; LAND COMPANY

of Madras, State of Oregon, has a right to the use of  
the waters of Willow Creek  
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Deschutes County, and the said decree entered of record at Salem, in the Order  
Record of the STATE ENGINEER, in Volume 9, at page 362; that the priority  
of the right thereby confirmed dates from 1875;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 2 acre-feet per acre,  
measured at the point of diversion from the stream, which may be diverted at a  
rate not to exceed 1/60th of one cubic foot per second per acre during the irri-  
gation season from April 1 to November 1.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,  
if for other purposes, the place where such water is put to beneficial use), is as follows:

25.9 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$   
0.96 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$   
7.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 20,  
11.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
2.91 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 21,  
T. 12 S., R. 15 E. W. M.

AND said right shall be subject to all other conditions and limitations  
contained in said decree.

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

WITNESS the signature of the State Engineer,

affixed this 1st day  
of July, 1941.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13618.



Do w/T-3407

REPORT ON INSPECTION UNDER TRANSFER  
OF WATER RIGHT FOR CHANGE IN: *FOOT No*

POU

USE

Add'l POD

Transfer NO. 3408

County Jefferson

Old Certificate NO. 13618

1. Name Morrow Bros

Address 1204 Chestnut Ave, Madras, OR 97741

2. Source of Supply Willow Creek, Trib of

3. Use irrigation

4. Amount of Water \_\_\_\_\_ Priority Date 1875

5. Proposed Point of Diversion 1465' N + 1440' W from SE cor of  
Sec 20, w/in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 20, T12S, R15E, W.M.

6. Completion Date 10-1-79

7. Place of Use:

[illegible]

INFO: MIKE HILLECKE, WHO LEASES RANCH. THIS DIV. PT.  
IS NO LONGER USED AND HASN'T BEEN SINCE 1979  
AT LEAST. NO PLANS TO USE IT AGAIN.

NOTE: LAND IS STILL BEING  
IRRIGATED FROM ORIGINAL  
DIV. PT #2. 2/3/92

Benjamin W. Bishop  
F.I.

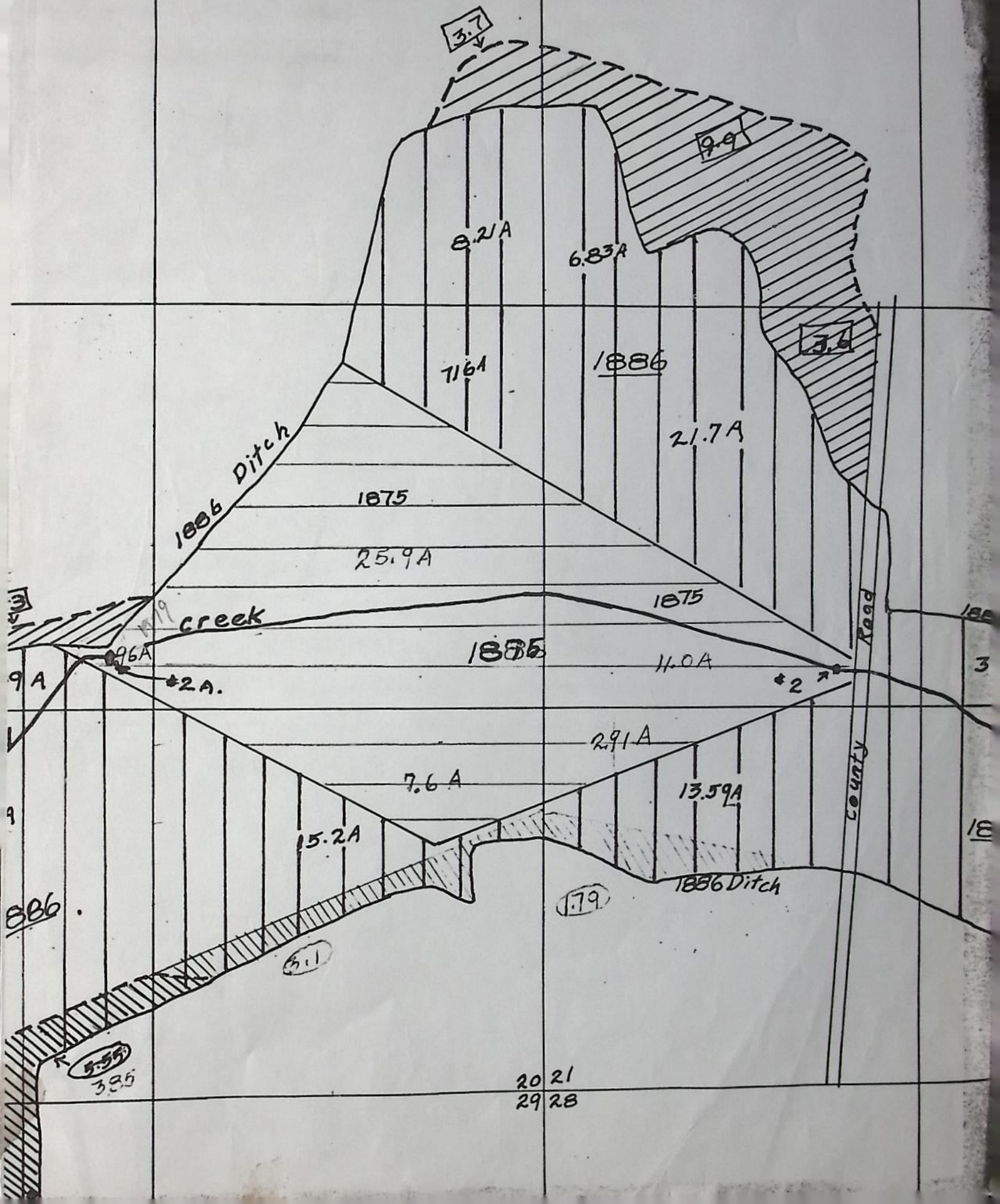
ADVERSE REPORT

7/12/88

Benjamin W. Bishop  
F.I.



T # 3408





T#-3408

# Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Morrow Bros.  
 of 1204 Chestnut (Mailing address), Madras (City),  
 State of Oregon, 97741 (Zip Code), 475-3116 (Phone number), do hereby make application for change  
an additional point of diversion  
 (In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No. Grizzly Livestock Land Co.  
 (If not, give name)
2. Was your water right determined by Decree of Court? yes. If so, give title of proceedings  
Deschutes River number of certificate 13618  
 (Yes or No)
3. Was your water right acquired by Water Right Permit? No. If so, give number  
 of permit \_\_\_\_\_ Number of certificate \_\_\_\_\_  
 (Yes or No)

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Willow Creek
5. What is the date of priority of your water right? 1875
6. The authorized point of diversion is located 1400 ft. N and 1000 ft. E from the SW  
 (N. or S.) (E. or W.)  
 corner of SEC. 21 being within the NW 1/4 SW 1/4 of Section 21 Tp. 12 S R. 15 E W. M.,  
 (No. N. or S.) (No. E. or W.)  
 in the county of Jefferson. The name of the ditch used is dam & diversion ditch

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 1465 ft. N and 1440 ft. W from the SE  
 (N. or S.) (E. or W.)  
 corner of SEC. 20 being within the NW 1/4 SE 1/4 of Section 20 Tp. 12 S R. 15 E W. M.,  
 (No. N. or S.) (No. E. or W.)  
 in the county of Jefferson. The name of the ditch to be used is PUMP



8. The use to which the water is applied is Irrigation  
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

C# 13618	1875	48.57	Irrigation	Dam & diversion ditches	Willow Creek	25.9 acres in NE 1/4 SE 1/4 0.96 acre in NW 1/4 SE 1/4 7.6 acres in SE 1/4 SE 1/4 Section 20, 11 acres in NW 1/4 SW 1/4 2.91 acres in SW 1/4 SW 1/4 Section 21, T. 12 S. R. 15 E. W. M.
✓	✓	21	NW 1/4 SW 1/4	11.0	Jm	
✓	✓	21	SW 1/4 SW 1/4	2.91		

(If more space required, attach separate sheet)

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

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No  
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is .....  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)



14. Reasons for the proposed changes are To change the water right of record to correspond to actual application practice which we recently developed

15. Construction work will be completed on or before is completed

16. The water will be completely applied to the proposed use on or before has been so used

Remarks \_\_\_\_\_

**NOTE:** THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

#### AFFIDAVIT OF APPLICANT

We MORROW Bros. by ANDREW MORROW, 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 22nd day of MARCH, 1977.

Andrew Morrow  
(Name of applicant)

Subscribed and sworn to before me this 22nd day of MARCH, 1977.

[Notarial Seal]



James H. Carver  
NOTARY PUBLIC FOR OREGON

My commission expires 8-8-80



378-3066

December 8, 1976

File Tr-3407  
Tr-3408

Morrow Brothers  
Madras, OR 97741

Gentlemen:

I am returning the five applications for transfer of water right along with the maps you submitted in September of this year. I am also enclosing, as discussed when you were recently in this office, two applications for transfer I partly completed in pencil that you may use as a guide in preparing your applications. If you have any questions please advise me of a phone number and time that you can be reached.

If you agree with the penciled entries on the applications, they may be done in ink. Item 13 on the application involving the right under certificate 13619 must be completed to list the acreage for that part of the right to be transferred to the new place of use. The affidavit of applicant must be completed on both applications.

It will be necessary to prepare a map showing all the points of diversion by distances from reference corners, the acreage to be divested of the water right, and the acreage to receive the water right. The map which accompanied the claims submitted by Grizzly Livestock and Land Company during the Deschutes River adjudication proceedings may be used as a guide in preparing your supporting map.

Since you propose to transfer the water right presently under the 1886 priority to lands having a right now under the 1906 priority, it will be necessary to clear our records of the later right involved. We can prepare the necessary affidavit to provide for clearing the right from our records after you have determined the acreage involved.



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It will be necessary for your proposed transfers to be published in a newspaper haveing general circulation in your county. We will need a deposit of \$50.00 from you to cover the cost of publication.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO:cc





## WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3066

ROBERT W. STRAUB  
GOVERNOR

July 9, 1976

File R-54247

54248

R-44164

44165

Tr-3407

Tr-3408

Morrow Brothers  
1204 Chestnut  
Madras, OR 97741

Gentlemen:

Your application for a permit to construct Willow Creek Reservoir and store therein 133 acre feet of water from Willow Creek for irrigation and livestock has been filed as number R-54247. Of the fees submitted, \$33.00 have been credited to this reservoir application.

Your application for a secondary permit to appropriate 49.0 acre feet from Willow Creek for primary irrigation of 115.64 acres and supplemental irrigation of 118.1 acres and to appropriate 1.0 acre foot at 2.36 gallons per minute for stock has been filed as number 54248. Of the fees submitted \$55.27 have been credited to this secondary application.

Your application for a change in point of diversion and place of use of water from Willow Creek has been filed as transfer number 3407. Of the fees submitted, \$45.00 have been credited to this transfer application.

Your application for a change in point of diversion of water from Willow Creek has been filed as transfer number 3408. Of the fees submitted, \$35.00 have been credited to this transfer application.

The two maps prepared on tracing paper were also received. These maps you submitted do not adequately illustrate your proposed projects. I believe it will be best for you to have a separate map prepared to support each transfer application and a separate map prepared to support your reservoir and secondary application.



July 9, 1976

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Morrow Brothers

The maps to support your transfer applications must clearly illustrate the location of the acreage to be divested of a water right, the proposed acreage to receive the water right, the present and proposed points of diversion, and the acreage to be irrigated from each proposed point of diversion.

The map to support the reservoir and secondary applications must clearly illustrate the location of the acreage to be irrigated and be in agreement with the listing to be given in item 8 of the secondary application. This map should also illustrate the point of diversion to be used. According to our final proof survey, the point of diversion for the use of the stored water is located 450 feet north and 150 feet west from the southeast corner of Section 19. I am enclosing a print of the final proof survey map which shows the point of diversion and acreage to be allowed a water right as perfected under the terms of your permit No. 33849.

Item 3 of the reservoir application should only list the additional amount of water to be stored that is not allowed under your earlier permit No. R-5356. You should then explain in the remarks section of this application the circumstances involved and the reason for filing this reservoir application. Will you also advise us of when we can expect to receive the required engineering drawings.

If it is intended to store 49 acre feet for irrigation purposes and 1.0 acre foot for stock purposes as indicated on your secondary application, this should also be noted in item 4 of your reservoir application.

If the secondary application is for a permit to appropriate the additional stored water for the irrigation of land already covered by rights from Willow Creek or your earlier permit for the use of stored water from the reservoir, only the Willow Creek Reservoir (enlargement) should be listed as the source in item 1 of the secondary application instead of listing Willow Creek.

According to your maps and other information submitted, your secondary application is to only supplement existing rights. If so, only the supplemental listing should be given in item 8.

The secondary application must be signed in the space provided following item No. 14 and the date you intend to complete the construction work must be entered in item No. 13.



July 9, 1976

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Morrow Brothers

We will need a statement from the Federal Land Bank, holder of the mortgage, advising us of their approval of your proposed change in place of use of water.

We are not able to reproduce colors on our copying machine, so color coding should not be used on the applications or supporting maps.

Additional fees will be required, but we will advise you of the fees after we receive the applications in completed form.

I am returning the reservoir application and secondary application along with the two transfer applications and two supporting maps for correction and completion. Your reservoir application No. R-54247 and secondary application No. 54248 are endorsed so that in order to retain their priority dates they must be received in this office on or before September 9, 1976.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO:cc

cc: Bruce Estes

Watermaster, District 11

Encl. Receipt No. 54961 and 54962  
54963 and 54964