

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }  
OF HARVEY W. ROBERTSON FOR THE }  
APPROVAL OF A CHANGE IN PLACE OF }  
USE OF WATER FROM YALE CREEK }  
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ORDER APPROVING  
TRANSFER NO. 3225

On May 12, 1975, Harvey W. Robertson filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Yale Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Cora B. Crump, administratrix of Estate of J. F. Crump, and recorded at Page 16415, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.75 cubic foot per second of water from Yale Creek for the irrigation of, among other lands, 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 39 South, Range 2 West, W.M., with a date of priority of 1865. These lands are irrigated from a point of diversion located 350 feet South and 850 feet West from the East quarter-corner of Section 29, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, Township 39 South, Range 2 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to another 0.4 acre tract in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 39 South, Range 2 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

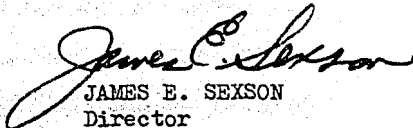
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 39 South, Range 2 West, W.M., with a date of priority of 1865, be severed therefrom and simultaneously and without loss of priority transferred to another 0.4 acre tract in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 39 South, Range 2 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that certificate of water right heretofore issued to Cora B. Crump, administratrix of Estate of J. F. Crump, deceased, and recorded at Page 16415, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Harvey W. Robertson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 20th day of April, 1976.

  
JAMES E. SEXSON  
Director