

BEFORE THE STATE ENGINEER OF OREGON

Harney County

IN THE MATTER OF THE APPLICATION)
OF J. W. AND CAROL ROBERTSON AND)
ARLEY ROBERTSON HUNT FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION AND PLACE OF USE OF)
WATER FROM COTTONWOOD CREEK)

ORDER APPROVING
TRANSFER NO. 2352

On March 26, 1970, J. W. and Carol Robertson and Arley Robertson Hunt filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Cottonwood Creek, pursuant to the provisions of QRS 540.510 to 540.530.

By Decree of the Circuit Court for Harney County, Oregon, entered May 13, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Malheur River and its Tributaries, a water right was established in the name of Joseph Robertson Estate for the use of the waters of Cottonwood Creek for the irrigation of, among other lands, 17.8 acres in NW¼ SE¼, Section 32, Township 19 South, Range 36 East, W.M., with a date of priority of April, 1885. This right is evidenced by certificate recorded at page 7003, Volume 7, State Record of Water Right Certificates. These lands are irrigated by means of the Robertson Ditch from a point of diversion located 620 feet south and 520 feet east from the NW corner of Section 33 being within the NW¼ NW¼ of Section 33, Township 19 South, Range 36 East, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use to the irrigation of 17.8 acres in NW¼ SW¼, Section 33, Township 19 South, Range 36 East, W.M. and irrigate these lands by means of the Robertson-Altnow-Cottonwood Ditch from a point of diversion to be located 250 feet south and 740 feet west from the NW corner of Section 28 being within the NE¼ NW¼ of

Section 28, Township 19 South, Range 36 East, 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in Burns, Oregon, on October 21, 1970, at 9:30 a.m. The notice was published in the Burns Times-Herald, a newspaper printed and having general circulation in Harney County, Oregon, for a period of three weeks in the issues of August 27, September 3, and 10, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Phil Hiibel, Watermaster of District No. 10, has filed a report to the effect that the proposed change in place of use and point of diversion 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 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 change in place of use of water is approved and the water right hereinbefore described as appurtenant to 17.8 acres in NW¼ SE¼, Section 32, Township 19 South, Range 36 East, W.M., with a date of priority of April, 1885, be severed therefrom and simultaneously and without loss of priority transferred to 17.8 acres in NW¼ SW¼, Section 33, Township 19 South, Range 36 East, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Cottonwood Creek, to-wit:

From a point located 620 feet south and 520 feet east from the NW corner of Section 33 being within the NW¼ NW¼ of Section 33, Township 19 South, Range 36 East, W.M.

To a point to be located 250 feet south and 740 feet west from the N¼ corner of Section 28 being

within the NE¼ NW¼ of Section 28, Township 19
South, Range 36 East, W.M.

for the irrigation of 17.8 acres in NW¼ SW¼, Section 33, Township
19 South, Range 36 East, W.M., with a date of priority of April,
1885, is approved.

It is FURTHER ORDERED that said water so transferred shall
be applied to beneficial use and the change in point of diversion
made on or before October 1, 1971.

It is FURTHER ORDERED that the quantity of water diverted
at the new point of diversion shall not exceed the quantity of water
that is available at the old point of diversion and shall be limited
to 1½ acre feet per acre in any 30 day period prior to June 1st, 1
acre foot per acre in any 30 day period after June 1st, of each year,
or 3 acre feet per acre during any season diverted at a rate of not to
exceed one-twentieth of a cubic foot per second per acre.

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.

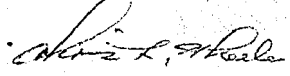
That the diversion works shall include an in-line
flow meter, a weir, or other suitable device for
measuring the water to which the applicant is en-
titled.

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 certificate of water right hereto-
fore issued to Joseph Robertson Estate and recorded at page 7003, Volume
7, 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 State Engineer of completion of the authorized change in point
of diversion and place of use, a certificate of water right shall be

issued to J. W. and Carol Robertson and Arley Robertson Hunt confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 30th day of October, 1970.


CHRIS L. WHEELER
State Engineer