

BEFORE THE STATE ENGINEER OF OREGON

Lake County

IN THE MATTER OF THE APPLICATION OF)
B. C. ROBINSON FOR APPROVAL OF CHANGES)
IN POINTS OF DIVERSION AND PLACES OF)
USE OF WATER FROM DEEP CREEK.)
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O R D E R

APPROVING APPLICATION

On December 6, 1940, B. C. Robinson of Adel, Oregon, filed an application for approval of changes in points of diversion and places of use of water from Deep Creek.

By decree of the court for Lake County, dated September 30, 1929, in the matter of the determination of the relative rights to the use of the waters of Warner Lake and their tributaries, a water right was recognized in the name of Nellie May Robinson, Basil Cressler Robinson, and Paul Orin Robinson, for stock and domestic use and the irrigation of, among other lands, 3.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 17 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 5.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, and 11.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 40 South, Range 22 East, W. M., with a date of priority of 1871, through an unnamed ditch, the point of diversion of said ditch being located approximately 990 feet north and 990 feet west from the southeast corner of Section 20, Township 40 South, Range 22 East, W. M.

The applicant herein proposes to transfer the water rights appurtenant to the above-described lands to 3.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 0.1 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 24.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 34.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 19.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 40 South, Range 22 East, W. M., and to convey the water for the irrigation of such lands through the East Ditch, the point of diversion of said ditch being located approximately 100 feet south and 165 feet east from the northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, Township 40 South, Range 22 East, W. M.

In the same proceedings, a water right was also recognized for stock purposes and the irrigation of, among other lands, 3.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 0.1 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 24.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 34.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 19.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 40 South, Range 22 East, W. M., with a date of priority of August, 1899, through the East Ditch, the point of diversion of said ditch being described above.

It is proposed to transfer the water rights appurtenant to the above-described lands to 3.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 17 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 5.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, and 11.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 40 South, Range 22 East, W. M., through an unnamed ditch, the point of diversion of said ditch being hereinbefore described.

Notice by publication as provided by Section 116-506, O. C. L. A., was given in the Lake County Examiner for a period of at least three weeks and not less than one publication each week, being the issues of February 6, 13, 20, and 27, 1941.

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

Inasmuch as the lands involved herein already have water rights and are being irrigated, it will not be necessary to fix a time for complete application of water.

NOW, THEREFORE, it hereby is ORDERED that the water right hereinbefore described as appurtenant to 3.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 17 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 5.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, and 11.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 40 South, Range 22 East, W. M., with a date of priority of 1871, through an unnamed ditch, the point of diversion of said ditch being located approximately 990 feet

north and 990 feet west from the southeast corner of Section 20, Township 40 South, Range 22 East, W. M., be transferred to 3.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 0.1 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 24.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 34.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 19.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 40 South, Range 22 East, W. M., and to convey the water for the irrigation of such lands through the East Ditch, the point of diversion of such ditch being located approximately 100 feet south and 165 feet east from the northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{2}$, Section 29, Township 40 South, Range 22 East, W. M., and that the water right hereinbefore described as appurtenant to 3.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 0.1 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 24.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 34.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 19.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 40 South, Range 22 East, W. M., with a date of priority of August, 1899, through the East Ditch, the point of diversion of said ditch being described above, be transferred to 3.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 17 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 5.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, and 11.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 40 South, Range 22 East, W. M., through an unnamed ditch, the point of diversion of such ditch being hereinbefore described.

It is FURTHER ORDERED that certificate of water right heretofore issued to Nellie May Robinson, Basil Cressler Robinson, and Paul Orin Robinson, covering the water rights involved herein and recorded at Page 9407, Volume 9, State Record of Water Right Certificates, be cancelled and that a new certificate be issued in lieu thereof to conform to the terms of the changes in places of use of water herein approved.

Dated at Salem, Oregon, this 20th day of March, 1941.


CHAS. E. STRICKLIN

State Engineer

Noted on Decree
Vol. 9, p. 339-340.
also Cert. 9407, 13577