

BEFORE THE STATE ENGINEER OF OREGON

Lake County

IN THE MATTER OF THE PROTEST )  
OF R. T. AND JANE RENNER )  
AGAINST APPROVAL OF APPLICATION )  
NO. G-5217 IN THE NAME OF )  
ROBERT C. UTLEY ----- )

O R D E R

On September 15, 1970, R. T. Renner and Jane Renner, husband and wife, filed a protest and objection against the approval of application No. G-5217 in the name of Robert C. Utley for a permit to appropriate 20 gallons per minute of water from a well located in the NW NE of Section 4, Township 39 South, Range 20 East, W.M., for irrigation of 5.11 acres in Section 33, Township 38 South, Range 20 East, W.M., alleging there is not sufficient ground water available to serve the protestants' rights and that approval of the application would conflict with those rights.

On October 5, 1970, James C. Lynch, attorney for the applicant, Robert C. Utley, filed a petition to make the protest more definite and certain in the following particulars:

- "1. Setting forth the nature of the 'recorded right and obligations' referred to on line 30 of page 1, as well as setting forth where such recorded rights are recorded.
- "2. Setting forth the addresses and/or property descriptions of the residences, which the protestors allege they are obligated to serve, at line 31 of page 1.
- "3. Setting forth the addresses and/or property descriptions of the certain residences to which protestors and their predecessors in interest have been furnishing water for more than forty years last past, as set forth in lines 1, 2, 3, and the first two words of line 4 on page 2."

Essential to proper consideration of the application and protest, is a specific definition of rights held by the protestants who might be injured by making appropriation of water as requested in the application.

It appears therefore that the petition to make the protest more definite and certain should be granted.

NOW, THEREFORE, it is ORDERED that the protestants, R. T. Renner and Jane Renner, husband and wife, amend their protest to make it more definite and certain in the following particulars:

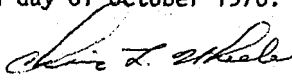
1. Setting forth the nature of the recorded right and obligations referred to on line 30 of page 1, as well as setting forth where such recorded rights are recorded.

2. Setting forth the addresses and/or property descriptions of the residences, which the protestors allege they are obligated to serve, at line 31 of page 1.

3. Setting forth the addresses and/or property descriptions of the certain residences to which protestors and their predecessors in interest have been furnishing water for more than forty years last past, as set forth in lines 1, 2, 3, and the first two words of line 4 on page 2.

It is further ORDERED that the protestants shall file the modified protest on or before October 23, 1970.

Dated at Salem, Oregon this 8th day of October 1970.

  
CHRIS L. WHEELER  
State Engineer