

BEFORE THE STATE ENGINEER OF OREGON

Klamath County

IN THE MATTER OF THE APPLICATION  
OF GARY D. POOLE FOR THE APPROVAL  
OF A CHANGE IN PLACE OF USE OF  
WATER FROM EAST FORK DESCHUTES RIVER

ORDER APPROVING  
TRANSFER NO. 2945

On December 7, 1973, Gary D. Poole filed an application in the office of the State Engineer for the approval of a change in place of use of water from East Fork Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Deschutes County, Oregon, entered February 10, 1928, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Deschutes River and its Tributaries, a water right was established in the name of J. L. Howard for the use of the waters of East Fork Deschutes River for the irrigation of, among other lands, 10.1 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.7 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, Township 23 South, Range 10 East, W.M., with a date of priority of 1897, as evidenced by certificate of water right issued in the name of Gary D. Poole and recorded at page 58781, Volume 30, State Record of Water Right Certificates. These lands are irrigated by means of the Finley ditch from a point of diversion located 250 feet North and 1050 feet East from the Southwest corner of Section 34, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 23 South, Range 9 East, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 6.39 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 8.41 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, Township 23 South, Range 10 East, 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. Bruce Estes, Watermaster of District No. 11, 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 10.1 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 4.7 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, Township 23 South, Range 10 East, W.M., with a date of priority of 1897, be severed therefrom and simultaneously and without loss of priority transferred to 6.39 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 8.41 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, Township 23 South, Range 10 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to Gary D. Poole and recorded at page 38781, Volume 30, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Gary D. Poole confirming the extent to which the water has been applied beneficially, and including the balance of the lands not involved herein.

Dated at Salem, Oregon, this 22nd day of March, 1974.

  
CHRIS L. WHEELER  
State Engineer