

BEFORE THE STATE ENGINEER OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROLLO L. KINTZ FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM TANNER CREEK)

ORDER APPROVING
TRANSFER NO. 2588

On November 23, 1971, Rollo L. Kintz filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tanner Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Bernard van Meltebeke and recorded at page 13770, Volume 12, State Record of Water Right Certificates, confirms a right to the use of 0.09 cubic foot per second of waters of Tanner Creek for the irrigation of 6.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 1 South, Range 4 West, W.M., with a date of priority of April 24, 1939.

The applicant, herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority to 6.8 acres in North $\frac{1}{2}$ of SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 1 South, Range 4 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. Clayton J. Gardner, Watermaster of District No. 1, 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 of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 6.8 acres in SE¼ SE¼, Section 6, Township 1 South, Range 4 West, W.M., with a date of priority of April 24, 1939, be severed therefrom and simultaneously and without loss of priority transferred to 6.8 acres in North ½ of SE¼ SE¼, Section 6, Township 1 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1972.

It is FURTHER ORDERED that certificate of water right heretofore issued to Bernard van Meltebeke and recorded at page 13770, Volume 12, 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 Rollo L. Kintz confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 11th day of April, 1972.



CHRIS L. WHEELER
State Engineer