

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF GLENN PROTTSMAN FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM CHOKE CHERRY GULCH AND)
SPRINGS)

ORDER APPROVING
TRANSFER NO. 2596

On May 15, 1972, Glenn Prottzman filed an application in the office of the State Engineer for the approval of a change in place of use of water from Choke Cherry Gulch and Springs, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Glenn A. and Verna Prottzman, and recorded at page 35807, Volume 27, State Record of Water Right Certificates, confirms a right to the use of the waters of West Fork Illinois River, for the irrigation of, among other lands, 1.1 acres in NE¼ SE¼, Section 31, Township 39 South, Range 8 West, W.M., with a date of priority of 1855.

The applicant herein, owner of the lands above described, proposes to transfer the water right from 1.1 acres on the east side of West side Road in the NE¼ SE¼, Section 31, Township 39 South, Range 8 West, W.M., to 1.1 acres on the west side of West side Road in the NE¼ SE¼, Section 31, Township 39 South, Range 8 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. Robert B. Steimer, Watermaster of District No. 14, 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.

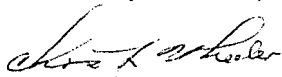
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 1.1 acres on the east side of West side Road in the NE¼ SE¼, Section 31, Township 39 South, Range 8 West, W.M., with a date of priority of 1855, be severed therefrom and simultaneously and without loss of priority transferred to 1.1 acres on the west side of West side Road in the NE¼ SE¼, Section 31, Township 39 South, Range 8 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that certificate of water right heretofore issued to Glenn A. and Verna Protteman and recorded at page 35807, Volume 27, 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 application of water to beneficial use, a certificate of water right shall be issued to Carl Jacobson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 6th day of June, 1972.


CHRIS L. WHEELER
State Engineer