

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 OF DESCHUTES)
RIVER)

ORDER APPROVING
TRANSFER NO. 2581

On November 5, 1971, 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 of 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 waters of the Deschutes River for the irrigation of, among other lands, 8.7 acres in SE¼ NW¼, Section 10, Township 23 South, Range 10 East, W.M., with date of priority of 1897, as evidenced by certificate of water right recorded at page 13629, Volume 12, State Record of Water Right Certificates.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 8.7 acres in SE¼ NW¼, Section 10, Township 23 South, Range 10 East, W.M., more particularly described as 2.175 acres for each of Tracts 1, 2, 3 and 4 of Old Howard Ranch Tracts.

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.

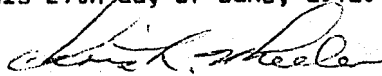
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 8.7 acres in SE¼ NW¼, Section 10, Township 23 South, Range 10 East, W.M., with date of priority of 1897, be severed therefrom and simultaneously and without loss of priority transferred to 8.7 acres in SE¼ NW¼, Section 10, Township 23 South, Range 10 East, W.M., being 2.175 acres each on Tracts 1, 2, 3 and 4 of Old Howard Ranch Tracts.

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 J. L. Howard and recorded at page 13629, Volume 12, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued to Gary D. Poole 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 Donald J. Meng, Ellyn Coren, Spiros Coren, and Theo. Coren, confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 27th day of June, 1972.


CHRIS L. WHEELER
State Engineer