

2045

STATUS OF APPLICATION

Change in place of use
 Date filed 12-7-73
 Date of hearing _____
 Place of hearing _____
 Date of order 3-22-74 Vol. 24, page 199-200
 Date for application of water 10-1-74
 Proof mailed JUN 2 1979 JUL 31 1979
 Proof received _____
 Certificate issued OCT 28 1980 Vol. 43, page 49709

DESCRIPTION OF WATER RIGHT

Name of stream East Fork Deschutes River
 Trib. of _____ County of Klamath
 Use irrigation
 Quantity of water _____ No. of acres 14.8
 Name of ditch Finley Ditch
 Date of priority 1897
 In name of I. L. Howard - (Gary D. Poole)
Deschutes Adjudication, Vol. 469, page 170
 App. No. _____ Per. No. _____ Cert. No. 38781
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>12-7-73</u>	<u>25.00</u>	<u>37716</u>
TOTAL . . .	<u>150</u>	
<u>12-7-73</u>	Cert. Fee	<u>37715</u>

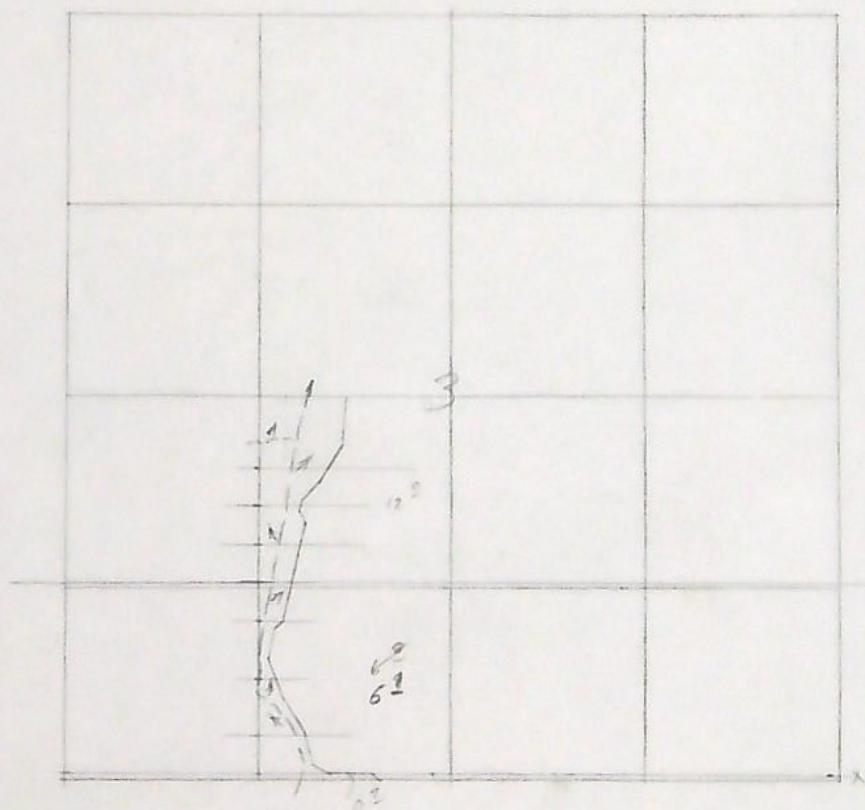
FEES REFUNDED

Date	Amount	Check No.

REMARKS

Form 130 sent JUL 6 1979

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	<u>WH</u>	
	Stream	<u>WH</u>	
	Pt. of Div.		
	Calendar	<u>WH</u>	
	CHECKED TO RECORDS:		
	Twp. & Rge.	<u>WH</u>	
	Decree-vault	<u>WH</u>	
	Decree-sale	<u>WH</u>	
	Cert. of W/R	<u>WH</u>	
	Per. folder		
	Chaindex		
	Cross Ref.		
	Power Claim		
	Abstracts		



FINAL PROOF SURVEY UNDER

TRANS 2945

Application No. Permit No.
IN NAME OF

Surveyed 19....., by

FROM PTS 1978-F

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GARY D. POOLEof Star Route 1, Box 1077, La Pine, State of Oregon, has
a right to the use of the waters of East Fork Deschutes Rivera tributary of Deschutes River for the purpose of
irrigation of 27.2 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 9, at page 362; that the priority of the right thereby confirmed dates from 1897;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 4.0 acre feet per acre, measured at the point of diversion from the stream, which may be diverted at a rate not to exceed one-fortieth of one cubic foot per second per acre from May 23 to August 20 and one-eightieth of the one cubic foot per second per acre from April 1 to May 23 and August 20 to November 1.
The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 23 S., R. 9 E., W.M.; 250 feet North and 1050 feet East from SW corner Section 34.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

8.6 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
6.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 3

12.4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 10
T. 23 S., R. 10 E., W.M.

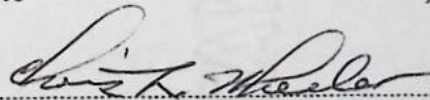
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 38781, Volume 30, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on March 22, 1974, approving transfer application No. 2945, and is issued to confirm a change in place of use approved by the same order.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date October 28, 1980.



Deputy Water Resources Director

STATE OF OREGON

COUNTY OF

KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **GARY D. POOLE**of **Star Route 1, Box 1077, La Pine**, State of **Oregon**, has a right to the use of the waters of **East Fork Deschutes River**a tributary of **Deschutes River** for the purpose of **irrigation of 27.2 acres**and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for **Deschutes** County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume **9**, at page **362**; that the priority of the right thereby confirmed dates from **1897**;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **4.0 acre feet per acre**, measured at the point of diversion from the stream, which may be diverted at a rate not to exceed **1/40th of one cubic foot per second per acre from May 23 to August 20 and 1/80th of one cubic foot per second per acre from April 1 to May 23 and August 20 to November 1.**

The point of diversion is located in the **SW⁴SW⁴ Section 34, T. 23 S., R. 9 E., W. M.** **250 feet North and 1050 feet East from SW Corner Section 34**
A description of the place of use under the right, and to which such right is appurtenant, is as follows:

8.6 10.1 acres NE¹SW¹
6.2 4.7 acres SE¹SW¹
Section 3

12.4 acres NE¹NW¹
Section 10
T. 23 S., R. 10 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page **38781**, Volume **30**, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on **MARCH 22, 1974**, approving transfer application No. **2945**, and is issued to confirm a change in place of use approved by the same order. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date **January 11**, 1973 .**CHRIS L. WHEELER**

State Engineer

Recorded in State Record of Water Right Certificates, Volume **30**, page **38781**

49708

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 38781, 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.

/s/ CHRIS L. WHEELER
State Engineer

OLD HOWARD RANCH ESTATES

TRACT NO. 1048

SITUATED IN THE E 1/2 SW 1/4 SECTION 3, T.23 S. R.10 E. W.M.

KLAMATH COUNTY, OREGON

SCALE 1"=200'

SURVEYORS CERTIFICATE

STATE OF OREGON ss:
COUNTY OF KLAMATH

I, Norman A. Newton, being duly sworn, depose and say that I surveyed, subdivided and platted and marked with legal monuments the land represented on the annexed plat of OLD HOWARD RANCH ESTATES, Tract No. 1048 situated in the E 1/2 SW 1/4 of Section 3, T23S, R10E, W1M, Klamath County, Oregon, more particularly described as follows: Beginning at the Initial Point which bears N00°32'33"E 264.00 feet from the 1/4 Section corner common to Sections 3 and 10 T23S, R10E, W1M; thence N89°56'31"W 1300.50 feet; thence N00°08'05"E 2340.47 feet; thence N89°37'45"E 1317.28 feet; thence S00°32'33"W 1294.41 feet; thence N89°56'31"W 495.00 feet; thence S00°32'33"W 792.00 feet to the point of beginning, with bearings based on the U.S.B.L.M. resurvey of 1957; that I made such survey by order of and under the direction of the owners thereof; that the size of all lots and the width of all streets are as shown on the annexed plat.

Subscribed and sworn before me this 6th day of NOVEMBER, 1971.

Don O. Hernandez
Notary Public for the State of Oregon
My commission expires 11-12-74

I hereby certify that, pursuant to O.R.S. 92.095, all ad valorem taxes and all special assessments, fees and other charges required by law to be placed on the 1971-72 tax roll which became a lien on this subdivision or will become a lien during this calendar year, but not yet certified to the tax collector for collection, have been paid to me this 8 day of November, 1971.

William Dubach
COUNTY ASSESSOR DEPUTY

I hereby certify that all ad valorem taxes and all special assessments, fees and other charges required by law to be placed upon the tax roll which have become a lien on this subdivision and that are now due and payable, have been paid to this 8 day of November, 1971.

J. M. Britton E. Russell
COUNTY SHERIFF DEPUTY

Approved by the Klamath County Planning Director this 27th day of November, 1971.

PLANNING DIRECTOR Lytle C. Smith

Approved by the Klamath County Board of Commissioners this 27th day of November, 1971.

M. E. Holland Lytle C. Smith R. A. Pyle
CHAIRMAN COMMISSIONER COMMISSIONER

I do hereby certify that this is a true and exact copy of the original plat of "OLD HOWARD RANCH ESTATES, TRACT NO. 1048".

Norman A. Newton

DEDICATION

STATE OF OREGON ss:
COUNTY OF KLAMATH

We, Gary D. Poole and Kathleen I. Poole, husband and wife, being duly sworn, depose and say that we are the owners of Tract No. 1048 more particularly described in the Surveyors Certificate, and that we caused the same to be surveyed and platted as shown on the annexed map and that we do for ourselves, our heirs and assigns, hereby dedicate, donate and convey to the public, for public use forever, the streets as shown on the annexed map, said plat subject to: (1) Easements for irrigation and drainage as shown on the annexed map, said easements to provide ingress and egress for construction and maintenance of said facilities; (2) All easements and reservations of record and additional restrictions as provided in any recorded protective covenants.

Gary D. Poole Kathleen I. Poole

STATE OF OREGON ss:
COUNTY OF KLAMATH

Be it remembered that on this 7th day of November, 1971, personally appeared the above same owners, who are known to me to be the identical persons described in and who executed the above instrument, and who acknowledged to me that they executed the same freely and voluntarily. In witness whereof I have hereunto set my hand and notarial seal the day and year last above written.

M. E. Shalick Stalberg
Notary Public for the State of Oregon
My commission expires April 27, 1972



This plat is approved subject to the following conditions: (1) The owners of the land in this subdivision, their heirs and assigns in whom title may be vested, shall always at their own expense properly install, maintain and operate such system. (2) The Lapine Water Cooperative, its successors or assigns, shall never be liable for damage caused by improper construction, operation or care of such system or for lack of sufficient water for irrigation. (3) The liability of the Lapine Water Cooperative shall be limited to the delivery of water at established outlets. Approved this 7th day of November, 1971.

Gary D. Poole Kathleen I. Poole
President Secretary
LAPINE WATER COOPERATIVE

Examined and recommended for approval by the Klamath County Board of Commissioners this 22nd day of November, 1971.

KLAMATH COUNTY SURVEYOR Lytle C. Smith

The required improvements have been installed or an agreement and assurance of performance for the same has been executed with this office.

Date 11-15-72 Lytle C. Smith
COUNTY ENGINEER

Examined and recommended for approval by the Klamath County Board of Commissioners this 27th day of November, 1972.

KLAMATH COUNTY HEALTH DEPARTMENT Valdon C. Boyce, MD

This is to certify that this is a true and exact copy of the original plat as filed with this office.

COUNTY CLERK Wm. D. Smith

Filed for record this 27th day of NOVEMBER, 1971.

COUNTY CLERK Wm. D. Smith

