

2581 Gary D. Pank  
Star Rt. 1, Box 1077  
Lafayette, Ore 97739

2581

**STATUS OF APPLICATION**

Change in Place of Use  
Date filed November 5, 1971  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 6-27-72 Vol. 22, page 77  
Date for application of water 12-1-73  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued \_\_\_\_\_ Vol. 30, page 38281

NOV 23 1976

Survey 1-31-73  
36 44005

**DESCRIPTION OF WATER RIGHT**

Name of stream E. Fk. Deschutes River  
Trib. of - County of Klamath  
Use Irrigation  
Quantity of water - No. of acres 8.7  
Name of ditch Findley  
Date of priority 1897  
In name of J. L. Howard  
Deschutes R. Adjudication, Vol. 16, page 180  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 13629  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slu

**FEES PAID**

Date	Amount	Receipt No.
<u>11-5-71</u>	<u>20.00</u>	<u>26007</u>
<b>TOTAL</b>		
<u>11-5-71</u>	<u>\$2</u> <u>X Cert. Fee</u>	<u>26008</u>

**FEES REFUNDED**

Date	Amount	Check No.

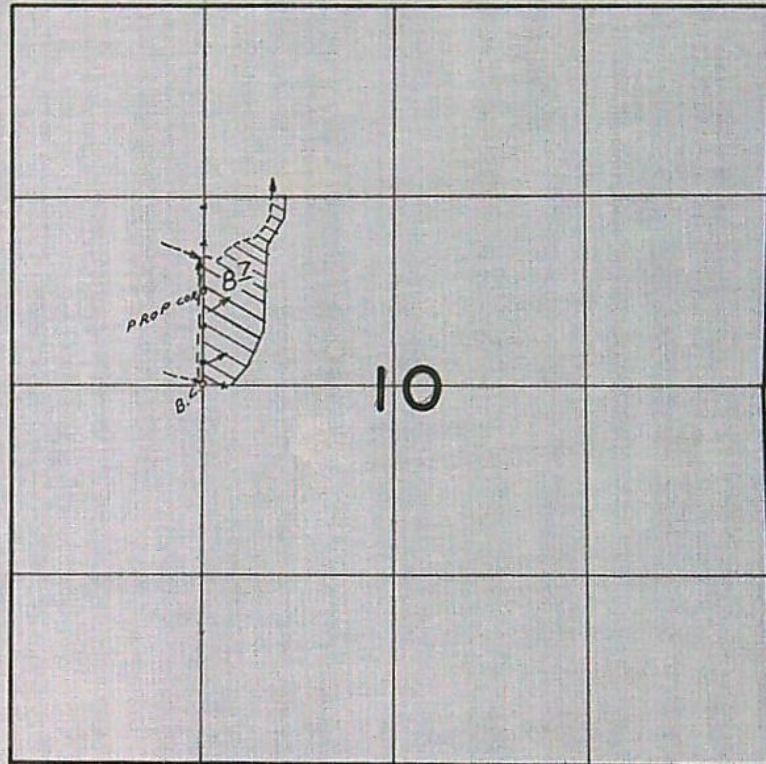
**REMARKS**

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	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>st</u>	
<input checked="" type="checkbox"/>	Stream	<u>st</u>	
<input checked="" type="checkbox"/>	Pt. of Div.	<u>st</u>	
<input checked="" type="checkbox"/>	Calendar	<u>st</u>	
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:		
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>ds</u>	<u>st</u>
<input checked="" type="checkbox"/>	Decree-vault	<u>st</u>	
<input checked="" type="checkbox"/>	Decree-safe	<u>st</u>	
<input type="checkbox"/>	Cert. of W/R		
<input type="checkbox"/>	Per. Folder		
<input type="checkbox"/>	Chainindex		
<input type="checkbox"/>	Cross Ref.		
<input type="checkbox"/>	Power Claim		
<input type="checkbox"/>	Abstracts		



T.23S. R.10E. W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2581  
Application No. .... Permit No. ....  
IN NAME OF  
DONALD J. MENG  
ELLYN, SPIROS, & THEO. COREN  
Surveyed JUN. 13 1975, by LH NUNN



STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

Gary D. Poole  
~~J. L. HOWARD~~

of Star Rd., Box 1077 La Pine, State of ~~Or~~ Oregon, has a right to the use of

the waters of East Fork Deschutes River (Deschutes R.) 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 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.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

- 10.1 acres in NE 1/4 SW 1/4
- 4.7 acres in SE 1/4 SW 1/4
- Section 3,
- 12.4 acres in NE 1/4 NW 1/4
- 8.7 acres in SE 1/4 NW 1/4
- Section 10,
- T. 23 S., R. 10 E. W. M.

Certificate of water right issued to J. L. Howard and recorded at page 13629, Volume 12, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 35.9 acres. A change in the right to the use of water appurtenant to 8.7 acres was approved by order of the State Engineer entered June 27, 1972. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to J. L. Howard.

AND SAID RIGHT SHALL BE SUBJECT TO ALL OTHER CONDITIONS AND RESTRICTIONS CONTAINED IN SAID DECREE.  
The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 1st day of July, 1972.

CHAS. E. STRICKLIN  
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13629



105

Superseded by

Cert. No. 38281

STATE OF OREGON

COUNTY OF KLAMATH

Donald J. Meng  
Ellyn Coren  
Spiros Coren  
Theo. Coren

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~J. L. HOWARD~~

of Lapine, State of Oregon, has a right to the use of

the waters of East Fork Deschutes River

for the purpose of Irrigation of 8.7 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 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.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

~~10.1 acres in NE 1/4 SW 1/4~~  
~~1.7 acres in SE 1/4 SW 1/4~~  
Section 3,  
~~12.4 acres in NE 1/4 NW 1/4~~  
8.7 acres in SE 1/4 NW 1/4  
Section 10,  
T. 23 S., R. 10 E. W. M.

Land more particularly described as 2.175 acres for each of tracts 1, 2, 3, & 4 of Old Howard Ranch Tracts, Klamath County OR.

AND said right shall be subject to all other conditions and limitations

This certificate is issued to confirm a change in place of use

approved by an order of the <sup>SE</sup> Water Resources Director entered June 27, 1972

together with cert 38781 and supersedes certificate of water right issued to J. L. Howard

and recorded at Page 13629, Volume 12, State Record of Water Right Certificates

CHAS. F. STRICKLIN  
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13629



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 OF DESCHUTES )  
RIVER )  
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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 SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 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 SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 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 SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 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 SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 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.

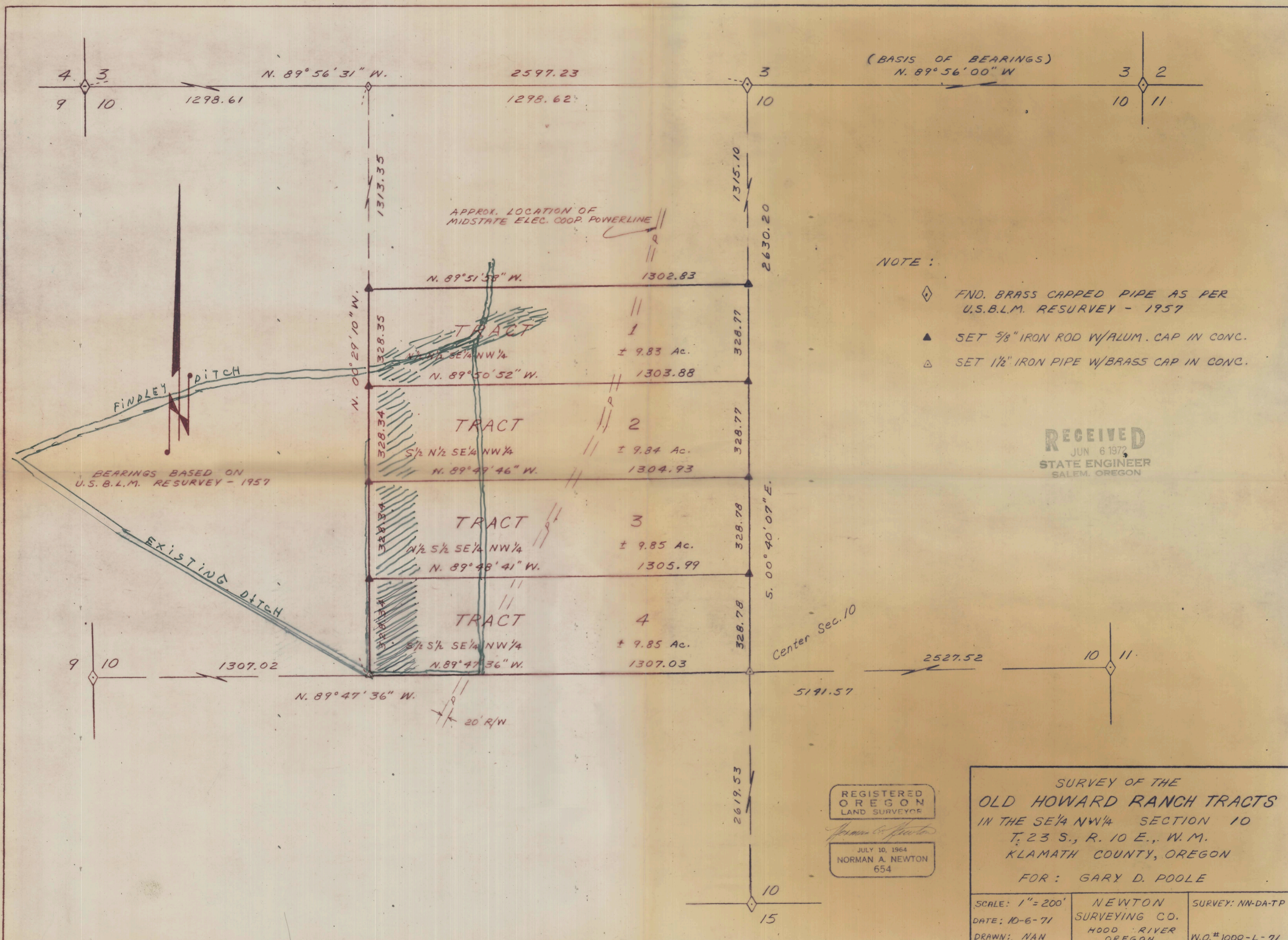
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

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.

/s/ CHRIS L. WHEELER  
State Engineer





Transfer 2581