

May 29, 1963

Mr. John H. Katzenbach
17610 Williams Highway
Grants Pass, Oregon

Dear Mr. Katzenbach:

Re: Transfer No. K-33

This is with further reference to your application for the approval of a change in place of use of water from 1.0 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, to 1.0 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 23.

From an examination of the Decree of the Circuit Court for Jackson County entered April 26, 1919 in the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, Samuel Provolt was given a right to the use of the waters of Munger Gulch for the irrigation of 1.0 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 23. The map made in connection with these proceedings indicated that the land irrigated was within the NW $\frac{1}{4}$ SE $\frac{1}{4}$.

A change in place of use of water cannot be approved to correct an error in the description of the place of use of water. To transfer a water right from one piece of land to another, the water must have been used on the land from which it is proposed to transfer the water. From a careful examination of your application, it appears that this is the means by which you desire to correct an error in describing the place of use of water. We have no authority to accept an application for this purpose, and we are, therefore, returning your application herewith, together with our check in the amount of \$15.00, refund of fees tendered.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By:
Max F. Rogers
Deputy

MFR:mgh
Enclosures