

April 21, 1952

Mr. Anthony Iturri
Attorney at Law
Wilson Building
Ontario, Oregon

Re: Transfer No. J-23
Gress Jackson

Dear Mr. Iturri:

This will acknowledge receipt of your letter of April 15th and a copy of the stipulation, which copy is not signed, between S. Conley Davis and Gress Jackson.

It appears that Mr. Gress Jackson does not intend to utilize, in the near future, the water described in his application for a change in use, which application was contested by S. Conley Davis.

It is noted in reading the stipulation that Mr. Jackson plans to withdraw his application for a permit. Mr. Jackson does not have any application pending in this office for a permit, but he does have an application pending to change the use of water stored for stock and domestic purposes to irrigation and I assume that this is the application which is to be withdrawn.

It is also noted that the stipulation provides that Gress Jackson may use the water and this raises a legal question. If the application is withdrawn, what legal right has he to use water for irrigation?

I have received a letter from Mr. Lytle who represents S. Conley Davis in this matter. A copy of the letter is enclosed.

In order that the records of this office may be cleared in the matter, I am suggesting that you as attorney for Gress Jackson or Mr. Jackson himself write to this office withdrawing the application filed in this office on January 21, 1952, which application was published in the Malheur Enterprise and was contested by S. Conley Davis.

Should Mr. Jackson desire to use water for irrigation

Mr. Anthony Yturri

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in the future, that he file an application for a permit and this application, if filed, should contain the conditions set forth in the stipulation.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

DES:VC

Enc.

cc - Mr. Robert D. Lytle
Attorney at Law
Vale, Oregon