

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION)
 OF DESCHUTES COUNTY FOR APPROVAL)
 OF A CHANGE IN PLACE OF USE OF)
 WATER WITHIN THE BOUNDARIES OF THE)
 SQUAW CREEK IRRIGATION DISTRICT.)

O R D E R

APPROVING APPLICATION

D-7

T-4578 Re-transfers 930 ac

On March 13, 1935, Deschutes County filed an application for the approval of a change in place of use of water within the boundaries of the Squaw Creek Irrigation District.

Deschutes County heretofore acquired title to the following-described lands located within the boundaries of Squaw Creek Irrigation District in Deschutes County through foreclosure of tax liens, said lands having a water right with a date of priority of November 11, 1895, to-wit:

<u>Description</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>	<u>Water Right</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$	17	14 S.	12 E.W.M.	40	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	17	14 S.	12 E.W.M.	40	

Section 47-716, Oregon Code 1935 Supplement, provides that when the title to lands within an irrigation district has been acquired by the County through foreclosure of tax liens, the said County, upon request of an irrigation district in which said lands are located, shall have the authority to make application for the transfer of the water rights appurtenant to such lands to other lands.

On the 31st day of July, 1934, the Squaw Creek Irrigation District petitioned the County Court of Deschutes County to transfer the water rights appurtenant to the above-described lands to other lands within the district, to-wit:

<u>Description</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>	<u>Water Right</u>
NW $\frac{1}{4}$ NE $\frac{1}{4}$	12	15 S.	10 E.W.M.	10	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	12	15 S.	10 E.W.M.	23	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	12	15 S.	10 E.W.M.	20	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	12	15 S.	10 E.W.M.	27	

There is now appurtenant to the lands to which it is proposed to transfer the 1895 water rights certain water rights with a date of priority of 1904, the aggregate of which will exceed the number of acres in each legal subdivision affected. The district proposes to transfer such duplication, or excess water rights, to-wit:

<u>Description</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>	<u>Water Right</u>
NW $\frac{1}{4}$ NE $\frac{1}{4}$	12	15 S.	10 E.W.M.		4.5
NW $\frac{1}{4}$ SE $\frac{1}{4}$	12	15 S.	10 E.W.M.		3
SE $\frac{1}{4}$ SE $\frac{1}{4}$	12	15 S.	10 E.W.M.		21

to other lands within the district.

It appearing that such transfer will inure to the benefit of the district and can be made without injury to existing rights,

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved, and that the water right hereinbefore described as appurtenant to 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 14 South, Range 12 East, W.M., be severed therefrom and simultaneously, and without loss of priority, transferred to 10 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 23 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 20 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 27 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 12, Township 15 South, Range 10 East, W. M.;

It is FURTHER ORDERED that complete application of water to beneficial use on said land shall be made on or before October 1, 1938;

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use upon the lands to which the water right hereby is transferred, a certificate of water right shall be issued to the Squaw Creek Irrigation District, and that the certificate of water right issued by the State Engineer to the Squaw Creek Irrigation Company and recorded in State Record of Water Right Certificates, Vol. 1, page 397, covering, among other lands, the lands from which the water right is being transferred, shall be cancelled;

And it is FURTHER ORDERED that the Squaw Creek Irrigation District shall file with the State Engineer on or before October 1, 1938 an application as provided by Section 47-712, Oregon Code 1930, for a transfer of the excess water rights, consisting of 4.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 21 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 15 South, Range 10 East, W. M., to other lands within said district, and in the event such application is not received on or before said date the said water rights shall be considered as abandoned and the water appurtenant to 4.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 21 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 15 South, Range 10 East, W. M., having a date of priority of 1904, shall revert to the State of Oregon and become subject to appropriation.

Dated at Salem, Oregon, this 3rd day of May, 1937.

Notations made on record:

Decree, Vol. 1 p. 125

Cert. # 397, 302-a

D-7


CHAS. E. STRICKLIN

State Engineer