

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
PAUL B. AND GLADYS I. HOWARD FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER FROM SQUAW CREEK)

ORDER APPROVING
TRANSFER NO. 3526

On February 9, 1977, an application was filed in the office of the Water Resources Director by Paul B. and Gladys I. Howard for a change in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at page 285, Volume 1, State Record of Water Right Certificates, in the names of Rachael McCaffery, Frank W. McCaffery and Robert Smith, describes an existing right of record which includes the use of not to exceed 0.21 cubic foot per second from Squaw Creek for irrigation of 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 15 South, Range 10 East, W.M., with a date of priority of 1885.

Water for the said right is diverted through the Dennis Ditch from a point located 150 feet North and 750 feet East from the West quarter corner of Section 9, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 15 South, Range 10 East, W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the place of use and point of diversion and to irrigate a certain 10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 15 South, Range 10 East, W.M., from a point of diversion located 998 feet North and 1211 feet East from the Southwest corner of Section 21, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 15 South, Range 10 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Redmond Spokesman, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of May 11, 18 and 25, 1977.

Mr. Bruce A. Estes, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity available at the old point of diversion under the subject right, and shall not exceed 0.21 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

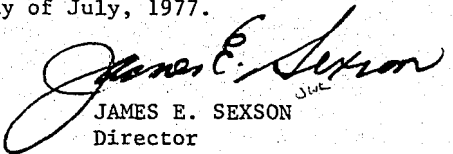
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred

shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Rachael McCaffery, Frank W. McCaffery and Robert Smith and recorded at page 285, Volume 1, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 25th day of July, 1977.


JAMES E. SEXSON
Director