

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF RAY J. CUNNINGHAM FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM SQUAW CREEK.)

O R D E R
APPROVING APPLICATION

*Amended:
9-2-59*

On August 6, 1959, Ray J. Cunningham of Terrebonne, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Squaw Creek pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Crook County, Oregon, entered May 1, 1911, in the matter of the determination of the relative rights to the waters of Squaw Creek, a tributary of Deschutes River, a water right was established in the name of the Squaw Creek Irrigation Company for the irrigation of, among other lands, 4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 14 South, Range 12 East, W. M., from Squaw Creek with a date of priority of November 11, 1895. In the same proceedings the Circuit Court on September 19, 1914, entered a decree establishing additional water rights in the name of the Squaw Creek Irrigation Company for the irrigation of, among other lands, 30 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), 18 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and 34.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 14 South, Range 12 East, W. M., from Squaw Creek with a date of priority of 1895.

Ray J. Cunningham, who is purchasing under contract 80 acres of the above described lands, to-wit: 30 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), 11.5 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and 38.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 14 South, Range 12 East, W. M., proposes to transfer the water rights therefrom, without loss of priority, to 20 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 20 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 15 South, Range 10 East, W. M., and 10 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and 30 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 15 South, Range 11 East, W. M.

Herman and Myrtle Ruth Moritz, husband and wife, record owners of the land from which it is proposed to transfer the water, have submitted their written approval of the proposed change in place of use of water.

The Squaw Creek Irrigation District approved the proposed change in place of use of water at a regular meeting of the Board held July 7, 1959.

The Investors Insurance Corporation, who holds a mortgage against the 80 acres involved herein, have filed, in writing, a release from the lien of said mortgage.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in place of use of water only.

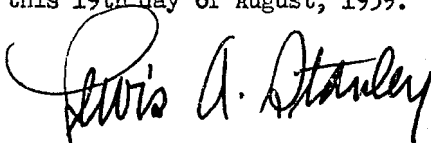
No objections having been filed and it appearing that the proposed change in place of use of water from Squaw Creek may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Squaw Creek be and the same is approved and that the water right hereinbefore described as appurtenant to 30 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), 11.5 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and 38.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 14 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 20 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 20 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 15 South, Range 10 East, W. M., and 10 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and 30 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 15 South, Range 11 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1960 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Squaw Creek Irrigation District or its successor in interest, to the extent to which the water has been applied beneficially and the certificates of water right heretofore issued to Squaw Creek Irrigation Company and recorded at pages 302 and 850, Volume 1, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 19th day of August, 1959.



LEWIS A. STANLEY
State Engineer



*Amended by S.E. Sept. 2, 1959
Sp. Or. Vol. 10, p 158*

Trif C-130