

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
ROSS B. HAMMOND FOR THE APPROVAL OF)
A CHANGE IN PLACE OF USE AND POINT OF)
DIVERSION OF WATER FROM SQUAW CREEK.)

ORDER
APPROVING APPLICATION

H-98

On September 15, 1955, Ross B. Hammond of Box 3901, Portland, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion 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 use of the waters of Squaw Creek and its tributaries, a water right was established in the name of R. J. Griffith for the irrigation of, among other lands, 36 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 15 South, Range 10 East, W. M., from Squaw Creek with a date of priority of 1886. These lands are irrigated through the Claypool ditch, the point of diversion of said ditch being located 910 feet south and 160 feet east from the west quarter corner of Section 9, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 9, Township 15 South, Range 10 East, W. M.

The applicant herein, owner of 28 acres of the land above described, proposes to change the place of use of water to 14 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 9 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8 and 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 10 East, W. M., and to irrigate said lands through the Bailey-Wilt ditch, the point of diversion of said ditch being located 600 feet south and 1170 feet west from the east quarter corner of Section 17, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 17, Township 15 South, Range 10 East, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in place of use and point of diversion of water, if any there were,

namely: at the county courthouse in Bend, Oregon, on June 25, 1957, at 10:00 o'clock a.m. The notice was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of April 29 and May 6 and 13, 1957. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. Aubrey Perry, Watermaster of District No. 12, has filed a statement to the effect that the proposed change in place of use and point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the water right hereinbefore described as appurtenant to 28 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 15 South, Range 10 East, W. M., with a date of priority of 1886 from Squaw Creek, be severed therefrom and simultaneously and without loss of priority transferred to 14 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 9 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8 and 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 10 East, W. M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Squaw Creek, to-wit:

From a point located 910 feet south and 160 feet east from the west quarter corner of Section 9, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 9, Township 15 South, Range 10 East, W. M.,

To a point to be located 600 feet south and 1170 feet west from the east quarter corner of Section 17, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 17, Township 15 South, Range 10 East, W. M.,

for the irrigation of the said 14 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 9 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8 and 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 10 East, W. M., with a date of priority of 1886, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in place of use and point of diversion of water made on or before October 1, 1958 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

It is FURTHER ORDERED that certificate of water right heretofore issued to R. J. Griffith and recorded at page 278, Volume 1, State Record of Water Right Certificates, which certificate covers, among other lands, the lands from which the water is being transferred, be and the same hereby is canceled and that in lieu thereof a new certificate of water right be issued covering the balance of the lands not involved in this proceedings, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Ross B. Hammond or his successor in interest covering the lands involved in this proceedings, to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon this 11th day of July 1957.

Noted on Decree

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LEWIS A. STANLEY
State Engineer