

Deschutes County

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

ORDER APPROVING  
TRANSFER NO. H-144

On October 1, 1963, Ross B. Hammond of 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 Decrees of the Circuit Court for Deschutes County, entered May 1, 1911 and September 19, 1914, 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 use of the waters of Squaw Creek for the irrigation of, among other lands, 8.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 22.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 8, Township 15 South, Range 10 East, W. M., with a date of priority of 1886, through the Claypool Ditch, and for the use of the waters of Squaw Creek for the irrigation of 4.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 38.0 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 18.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 8, with a date of priority of 1900, through the Griffith Ditch, respectively. These rights are confirmed by certificates of water right issued to Ross B. Hammond and recorded at page 24482, Volume 17, and R. J. Griffith and recorded at page 979, Volume 2, State Record of Water Right Certificates, respectively. The Claypool and Griffith Ditches are one and the same and the point of diversion is located 910 feet south and 160 feet east from the W $\frac{1}{4}$  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 the lands above described, proposes to transfer the water right with a date of priority of 1886 to 15.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 15.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, and the water right with a date of priority of 1900 to 22.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 38.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 15, all being in Township 15 South,

Range 10 East, W. M., and to irrigate these lands by means of the Uncle John Ditch, the point of diversion of said ditch being located 200 feet north and 1150 feet east from the southwest corner of Section 21, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 21, 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 February 10, 1964, at 9:30 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 December 19 and 26, 1963 and January 2, 1964. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. James C. Fellows, Watermaster of District No. 11, has filed a report to the effect that the proposed change 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 change 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 proposed change in place of use of water is approved and that the water right hereinbefore described as appurtenant to 8.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 22.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 8, Township 15 South, Range 10 East, W. M., with a date of priority of 1886, and 4.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 38.0 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 18.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 8, with a date of priority of 1900, be severed therefrom and simultaneously and without loss of priority transferred to 15.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 15.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, with a date of priority of 1886, and 22.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 38.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 15, with a date of priority of 1900,

all being in 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  $W\frac{1}{4}$  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 located 200 feet north and 1150 feet east from the southwest corner of Section 21, and being within the  $SW\frac{1}{4} SW\frac{1}{4}$ , said Section 21, Township 15 South, Range 10 East, W. M.

for the irrigation of 15.0 acres in the  $NW\frac{1}{4} SW\frac{1}{4}$  and 15.0 acres in the  $SW\frac{1}{4} SW\frac{1}{4}$ , Section 11, with a date of priority of 1886, and 22.0 acres in the  $NE\frac{1}{4} NE\frac{1}{4}$  and 38.0 acres in the  $NW\frac{1}{4} NE\frac{1}{4}$ , Section 15, with a date of priority of 1900, all being in Township 15 South, Range 10 East, W. M., is approved.

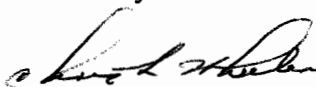
It is FURTHER ORDERED that the change in place of use and point of diversion of water shall be completed on or before October 1, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

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 certificates of water right heretofore issued to R. J. Griffith and recorded at page 979, Volume 2, and to Ross B. Hammond and recorded at page 24482, Volume 17, State Record of Water Right Certificates, are canceled and in lieu thereof, a new certificate shall be issued covering the balance of the lands not involved in this proceeding, 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 Lloyd F. Brogan, or his successor in interest, to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 10th day of February, 1964.

*Noted on Decree*  
*Vol. 1 p. 123 & 472*  
*Cert. # 979 & 24482*

  
CHRIS L. WHEELER  
State Engineer