

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County.

IN THE MATTER OF THE APPLICATION OF)
A. B. CHAPMAN AND R. R. HOWARD FOR)
THE APPROVAL OF A CHANGE IN THE) O R D E R.
PLACE OF USE OF WATER UNDER THE PRO-)
VISIONS OF SECTION 5764 OREGON LAWS.)

Now at this time this matter coming on for consideration by the State Engineer on the application of A. B. Chapman and R. R. Howard, for the approval of a change in the place of use of water from Squaw Creek, and it having been made to appear:

That water rights for 40 acres in the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 13, and 25 acres in the $NE\frac{1}{4}NE\frac{1}{4}$, 27 acres in the $SE\frac{1}{4}NE\frac{1}{4}$, 16 acres in the $NE\frac{1}{4}SE\frac{1}{4}$, and 21 $\frac{1}{2}$ acres in the $NW\frac{1}{4}SE\frac{1}{4}$ of Section 23, all in T. 14 S. R. 11 E. W. M. were allowed in the Squaw Creek adjudication, with priority of 1895, said lands being owned by R. R. Howard; and that it is now desired to change the use of water from the following parts of said subdivisions: 12 acres in the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 13, and 6 acres in the $NE\frac{1}{4}NE\frac{1}{4}$, 8 acres in the $SE\frac{1}{4}NE\frac{1}{4}$, 8 acres in the $NE\frac{1}{4}SE\frac{1}{4}$, and 7 acres in the $NW\frac{1}{4}SE\frac{1}{4}$ of Section 23, same township and range, (hereinafter called Tract No. 1), to 20 acres in the $NE\frac{1}{4}SW\frac{1}{4}$ and 11 acres in the $SE\frac{1}{4}SW\frac{1}{4}$ of Section 17, and 5 acres in the $NE\frac{1}{4}NW\frac{1}{4}$ and 5 acres in the $NW\frac{1}{4}NW\frac{1}{4}$ of Section 20, all in T. 14 S. R. 12 E. W. M., (hereinafter called Tract No. 2) said lands being owned by A. B. Chapman.

That both of said tracts are under the irrigation system of the Squaw Creek Irrigation District, and the Board of Directors of said District has given its approval in writing of the proposed change;

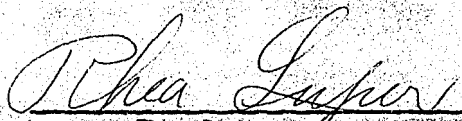
That an inspection of said lands on behalf of the State Engineer has been made by Mr. C. M. Redfield, Engineer, and his report submitted, recommending the transfer.

NOW, THEREFORE, it is hereby ORDERED that, subject to the conditions herein imposed, said application be and the same is hereby allowed and said change approved, and that the water right now appurtenant to

Tract No. 1 may be severed therefrom and transferred and become appurtenant to Tract No. 2, without loss of priority of the right heretofore established, except as to such existing rights to which such change is a detriment or injury, but said right hereby transferred is hereby made subject and subsequent to any and all rights so injured by such change, to the extent of such injury.

And it further appearing that Tract No. 2 as herein designated already has water rights appurtenant to it, with priority of 1912, it is ORDERED that this transfer is allowed only on condition that an acreage of the 1912 water right which is now appurtenant to said Tract No. 2 equivalent to that which is hereby transferred to it, shall be considered as abandoned, such rights to revert to the State of Oregon, and the water to become subject to appropriation under other rights on said stream.

Dated this 26th day of October, 1925, at Salem, Oregon.



Rhea Luper,
State Engineer.

*Notations Made
on Records*

Cert. No. 302a-880d

Decree Vol. pages 175 + 476

Transf. No. C-45

See T-3706