

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

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

ORDER
APPROVING APPLICATION

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On September 14, 1938, Ross B. Hammond of Sisters, Oregon, filed an application for the approval of a change in points of diversion and places of use of water from Squaw Creek.

By decree of the court 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 recognized in the name of P. B. Davis and T. M. Baldwin for domestic purposes and the irrigation of, among other lands, 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 15 South, Range 10 East, W. M., with date of priority of 1885, through the Smith Ditch, the point of diversion of said ditch being located approximately 1,320 feet south and 240 feet east from the northwest corner of Section 9, Township 15 South, Range 10 East, W. M. The applicant herein proposes to transfer the water rights appurtenant to the above described lands to 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 15 South, Range 10 East, W. M., and to convey the water for the irrigation of such lands through the Quiberg Ditch, the point of diversion of such ditch being located approximately 1,890 feet north and 150 feet west from the southeast corner of Section 17, Township 15 South, Range 10 East, W. M.

In the same proceedings a water right was also recognized in the name of Jacob N. Quiberg for domestic purposes and the irrigation of, among other lands, 40.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 15 South, Range 10 East, W. M., with date of priority of 1906, through the Quiberg Ditch, the point of diversion of such ditch being

described above. It is proposed to transfer the water rights appurtenant to the above lands to 40.5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 40.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 15 South, Range 10 East, W. M., through the Smith Ditch, the point of diversion of such ditch being hereinbefore described.

Notice of filing application for such change in points of diversion and places of use of water was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, for a period of at least three weeks and not less than one publication each week, namely, September 20 and 27, and October 4 and 11, 1938.

No objections having been filed, it appears that the proposed change in points of diversion and places of use of water can be made without injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in points of diversion and places of use be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 15 South, Range 10 East, W. M., with date of priority of 1885, through the Smith Ditch, the point of diversion of said ditch being located approximately 1,320 feet south and 240 feet east from the northwest corner of Section 9, Township 15 South, Range 10 East, W. M., be transferred to 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 15 South, Range 10 East, W. M., and to convey the water for the irrigation of such lands through the Quiberg Ditch, the point of diversion of such ditch being located approximately 1,890 feet north and 150 feet west from the southeast corner of Section 17, Township 15 South, Range 10 East, W. M., and that the water hereinbefore described as appurtenant to 40.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 15 South, Range 10 East, W. M., with a date of priority of 1906, through the Quiberg Ditch, the point of diversion of such ditch being

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described above, be transferred to 40.5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 40.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 15 South, Range 10 East, W. M., through the Smith Ditch, the point of diversion of such ditch being hereinbefore described.

It is FURTHER ORDERED that complete application of water to beneficial use on said lands shall be made on or before October 1, 1940, or 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 complete application of water to beneficial use upon the lands to which the water rights are transferred hereby new certificates shall be issued in lieu of certificates of water right heretofore issued and recorded in State Record of Water Right Certificates, Page 271, Volume 1, and Pages 983 and 987, Volume 2, which certificates describe the lands from which the water is being transferred.

Dated at Salem, Oregon, this 16th day of November, 1938.


CHAS. E. STRICKLIN

State Engineer

*Notation made on Decree,
Vol. 1, p. 122, 472 + 473
also Certs. 271, 983 and 987*

*New Certificates issued.
Being Nos. 12,305, 12,306; 12,307*