

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF SQUAW CREEK IRRIGATION DISTRICT)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM SQUAW)
CREEK)

ORDER APPROVING
TRANSFER NO. S-185

On June 8, 1966, Squaw Creek Irrigation District 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 Use of the Waters of Squaw Creek and its Tributaries, a water right was established in the name of E. T. Slayton for the irrigation of, among other lands, 25.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 15 South, Range 10 East, W.M., with a date of priority of 1889, as evidenced by certificate of water right recorded at page 298, Volume 1, State Record of Water Right Certificates. Subsequently, an order of the State Engineer dated February 25, 1924, approved an application in the names of E. S. Payne and E. T. Slayton for a change in place of use of water from the above described 25.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 15 South, Range 10 East, W.M. to 3.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 18.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 14 South, Range 12 East, W.M., and an order of the State Engineer dated September 30, 1936, approved an application in the name of Deschutes County for a change in place of use of water from the above described 3.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 18.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 14 South, Range 12 East, W.M. to 25.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14,

Township 15 South, Range 10 East, W.M. Proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water was transferred was submitted.

By Decree of the Circuit Court of Crook County, Oregon, entered September 19, 1914, In the Matter of the Determination of the Relative (Inchoate) Rights to the Use of the waters of Squaw Creek and its Tributaries, a water right was established in the name of Squaw Creek Irrigation Company, a corporation, for the irrigation of, among other lands, 30.0 acres in NW¼ SW¼ and 25.0 acres in SW¼ SW¼, Section 20, Township 15 South, Range 11 East, W.M., with a date of priority of 1895, tabulated in the name of W. F. Fryrear, as evidenced by certificate of water right recorded at page 850, Volume 1, State Record of Water Right Certificates. Subsequently, an order of the State Engineer dated September 30, 1936, approved an application in the name of Deschutes County for a change in place of use of water from the above described 30.0 acres in NW¼ SW¼ and 25.0 acres in SW¼ SW¼, Section 20, Township 15 South, Range 11 East, W.M. to 25.0 acres in SW¼ SE¼, 15.0 acres in NE¼ SE¼ and 15.0 acres in NW¼ SE¼, Section 14, Township 15 South, Range 10 East, W.M., and an order of the State Engineer dated April 16, 1945, approved an application in the name of Deschutes County for a change in place of use of water from 10.0 acres in NE¼ SE¼, Section 14, Township 15 South, Range 10 East, W.M., being a portion of the lands above described, to 7.0 acres in NE¼ SW¼ and 3.0 acres in SE¼ SW¼, Section 14, Township 15 South, Range 10 East, W.M. Proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water was transferred was submitted.

The applicant herein, owner of 25.0 acres in SE¼ SE¼, 7.0 acres in NE¼ SW¼, 3.0 acres in SE¼ SW¼, 10.0 acres in SW¼ SE¼, 5.0 acres in NE¼ SE¼ and 10.0 acres in NW¼ SE¼, Section 14, Township 15

South, Range 10 East, W.M. of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 6.5 acres in NW¼ SE¼ and 18.5 acres in NE¼ SE¼, Section 5, Township 15 South, Range 11 East, W.M., with a date of priority of 1889 and 10.0 acres in NW¼ SE¼, Section 5, 9.0 acres in SW¼ SE¼ and 6.0 acres in SE¼ SE¼, Section 19, Township 15 South, Range 11 East, W.M. and 10.0 acres in SE¼ SW¼, Section 23, Township 14 South, Range 11 East, W.M., with a date of priority of 1895.

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

No objections having been filed and it appearing that the proposed change in place of use of water 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 the water right hereinbefore described on lands owned by Squaw Creek Irrigation District appurtenant to 25.0 acres in SE¼ SE¼, Section 14, Township 15 South, Range 10 East, W.M., with a date of priority of 1889, and 7.0 acres in NE¼ SW¼, 3.0 acres in SE¼ SW¼, 10.0 acres in SW¼ SE¼, 5.0 acres in NE¼ SE¼ and 10.0 acres in NW¼ SE¼, Section 14, Township 15 South, Range 10 East, W.M., with a date of priority of 1895, be severed therefrom and simultaneously and without loss of priority transferred to 6.5 acres in NW¼ SE¼ and 18.5 acres in NE¼ SE¼, Section 5, Township 15 South, Range 11 East, W.M., with a date of priority of 1889, and 10.0 acres in NW¼ SE¼, Section 5, 9.0 acres in SW¼ SE¼ and 6.0 acres in SE¼ SE¼, Section 19, Township 15 South, Range 11 East, W.M. and 10.0 acres in SE¼ SW¼, Section 23, Township

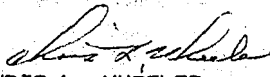
14 South, Range 11 East, W.M., with a date of priority of 1895.

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use on or before October 1, 1970.

It is FURTHER ORDERED that certificate of water right heretofore issued to E. S. Payne and E. T. Slayton and recorded at page 298, Volume 1, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, certificate of water right shall be issued to Squaw Creek Irrigation District confirming the change in place of use authorized herein and confirming prior transfers of the balance of lands described in said certificate.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of 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 in lieu of certificate of water right heretofore issued to Squaw Creek Irrigation Company and recorded at page 850, Volume 1, State Record of Water Right Certificates, at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 18th day of July, 1969.


CHRIS L. WHEELER
State Engineer