

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION)
OF LYLE E. AND HELEN CARTER AND)
A. E. AND FAY LANG SHERWOOD FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM SQUAW CREEK.)

O R D E R

APPROVING APPLICATION

D-76

On May 19, 1958, Lyle E. and Helen Carter and A. E. and Fay Lang Sherwood 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 waters of Squaw Creek, a tributary of Deschutes River, a water right was established in the name of Robert Hyslop for domestic use and the irrigation of, among other lands, 3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 15 South, Range 10 East, W. M., from Squaw Creek with a date of priority of 1880.

A. E. and Fay Lang Sherwood, owners of the land above described, propose to transfer the water right therefrom, without loss of priority, to 3 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 15 South, Range 10 East, W. M., which land is owned by Lyle E. and Helen Carter.

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

Mr. Aubrey E. Perry, watermaster of District No. 12, has filed a statement to the effect that the proposed change in place of use 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 of water from Squaw Creek 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 from Squaw Creek be and the same is approved and that the water right hereinbefore described as appurtenant to 3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 15 South, Range 10 East, W. M., with a date of priority of 1880 be severed therefrom and simultaneously and without loss of priority transferred to 3 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 15 South, Range 10 East, W. M.

It is FURTHER ORDERED that the water transferred herein shall be applied to beneficial use on the lands to which it is transferred on or before October 1, 1959 or within such extension of time as may be granted by the State Engineer for good cause shown.

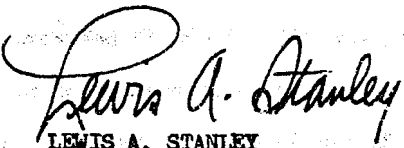
It is FURTHER ORDERED that certificate of water right heretofore issued to Robert Hyslop and recorded at page 24029, Volume 17, State Record of Water Right Certificates, which certificate covers, among other lands, the lands from which the water is being transferred, be and the same hereby is canceled 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 Lyle E. and Helen Carter or their 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 5th day of June 1958.

Noted on Decree Vol. 1 p. 123

Cert. # 24029 superceded

by Cert. # 24167, 24597


LEWIS A. STANLEY
State Engineer

Trsd. # D-76