

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

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

O R D E R  
APPROVING APPLICATION

On October 13, 1955 Lyle E. Carter and Helen Carter 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.

The decree of the Circuit Court for Crook County, entered May 1, 1911, in the matter of the determination of the relative rights to the waters of Squaw Creek and its tributaries, adjudicated a water right in the name of Robert Hyslop for the irrigation of, among other lands, 2.5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 10, Township 15 South, Range 10 East, W. M., through the Uncle John ditch from Squaw Creek with a date of priority of 1880.

The applicants herein, owners of the land above described, propose to transfer the water right therefrom, without loss of priority, to 2.5 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 10, Township 15 South, Range 10 East, W. M.

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 applications for a change in place of use of water only.

Mr. Aubrey E. Perry, Watermaster of District No. 12, has filed a report to the effect that the proposed change in place of use of water from Squaw Creek 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 hereby is approved and that the water right hereinbefore described as appurtenant to 2.5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 10, Township 15 South, Range 10 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 2.5 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 construction work shall be completed and the water applied to beneficial use on the lands to which it is transferred herein on or before October 1, 1956 and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which it is transferred herein, certificate of water right heretofore issued to Robert Hyslop and recorded at page 279, Volume 1, State Record of Water Right Certificates, shall be canceled and a new certificate issued to Lyle E. Carter and Helen Carter or their successors in interest to the extent to which the water transferred herein has been applied to beneficial use and a new certificate of water right issued to Robert Hyslop covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon this 8th day of November 1955.

Noted on Decree

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Cert. 279

Superseded by Cert. 24028 and 24029

*Lewis A. Stanley*  
LEWIS A. STANLEY  
State Engineer

*Lewis A. Stanley*  
State Engineer