

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF J. I. AND IDA AHERN FOR THE )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM SQUAW CREEK. )  
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O R D E R

APPROVING APPLICATION

A-25

On April 5, 1956, J. I. and Ida Ahern of Star Route, Redmond, Oregon, filed an application 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, Oregon, entered May 1, 1911, in the matter of the determination of the relative rights to the waters of Squaw Creek, adjudicated a water right in the name of the Squaw Creek Irrigation Company for the irrigation of, among other lands, 37 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 9, Township 15 South, Range 11 East, W. M., from Squaw Creek with a date of priority of November 11, 1895. In the same proceedings the Circuit Court on September 19, 1914, entered a decree adjudicating additional water rights in the name of the Squaw Creek Irrigation Company for the irrigation of, among other lands, 3 acres in the said NW $\frac{1}{4}$  NE $\frac{1}{4}$ , from Squaw Creek with a date of priority of 1895. Subsequently, on June 28, 1945, the State Engineer entered an order approving an application of S. O. Johnson for a change in place of use and point of diversion of water wherein the water right appurtenant to 10 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 15 South, Range 10 East, W. M., with a date of priority of 1885, was transferred to 10 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 9, Township 15 South, Range 11 East, W. M., said 10 acres to be irrigated through the Squaw Creek Canal.

J. I. and Ida Ahern, husband and wife, and owners of 15 acres of the lands above described, to-wit: 9 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 9, Township 15 South, Range 11 East, W. M., with a date of priority of 1885 and 6 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 9, with a date of priority of November 11, 1895, propose

to transfer the water right therefrom, without loss of priority, to 9 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 9, Township 15 South, Range 11 East, W. M., under a date of priority of 1885 and 6 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 9, under a date of priority of November 11, 1895.

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.

The Squaw Creek Irrigation District, by its directors, has approved the proposed change in place of use of water from Squaw Creek.

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.

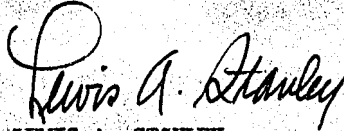
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Squaw Creek be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 9 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 9, Township 15 South, Range 11 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 9 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 9, and the water right hereinbefore described as appurtenant to 6 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 9, Township 15 South, Range 11 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 6 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 9.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1957 or within 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 the 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 or its successor in interest, to the extent to which the water has been applied beneficially

and the certificates of water right heretofore issued to Squaw Creek Irrigation Company and recorded at pages 302 and 850, Volume 1, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 10th day of April 1956.



LEWIS A. STANLEY  
State Engineer

Noted on Decree  
Vol. 1 p. 126  
Cert. 302-b.  
File # A-25