

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 PURSUANT TO THE PROVISIONS OF)
SECTION 116-606, U. C. L. A.)

O R D E R
APPROVING APPLICATION
S-38

On September 15, 1944, the Squaw Creek Irrigation District of Sisters, Oregon, filed an application for the approval of a change in place of use of water from Squaw Creek.

By decree of the Circuit Court for Crook County in the matter of the determination of the relative rights to the use of the waters of Squaw Creek and its tributaries a right was recognized in the name of the Squaw Creek Irrigation Company, now Squaw Creek Irrigation District, for the irrigation of, among other lands, 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 13 South, Range 12 East, W. M., with a date of priority of 1904.

The applicants herein, owners of the above described lands propose to transfer the water right appurtenant thereto without loss of priority to 3 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 37 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 13 South, Range 12 East, W. M.

The NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 13 South, Range 12 East, W. M., to which it is proposed to transfer water for the irrigation of 37 acres, has a water right from Squaw Creek for the irrigation of 37 acres, with a date of priority of September 9, 1912, said right being evidenced by certificate of water right recorded at Page 2398, Volume 3, State Record of Water Right Certificates. In order that the aggregate area in this tract having a water right will not exceed 40 acres when the transfer is consummated, the board of directors of the Squaw Creek Irrigation District, at a regular meeting held on the 3rd day of October 1944, authorized the cancellation of said 37 acre water right, having a date of priority of September 9, 1912.

Notice by publication as provided by Section 116-606 O. C. L. A., was not given in connection with this application for the reason that said section provides that notice is not required on application for only a change in place of use of water.

All the lands involved herein are within the boundaries of the Squaw Creek Irrigation District.

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 be and the same hereby is approved and the water right hereinbefore described as appurtenant to 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 13 South, Range 12 East, W. M., with a date of priority of 1904, be severed therefrom and simultaneously and without loss of priority transferred to 3 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 37 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 13 South, Range 12 East, W. M.

It is FURTHER ORDERED that complete application of water to beneficial use upon the land to which the water hereby is transferred shall be made on or before October 1, 1946, or such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the water right appurtenant to 37 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 13 South, Range 12 East, W. M., with a date of priority of September 9, 1912, be and the same hereby is cancelled and that notations of said cancellation be made on certificate of water right recorded at Page 2398, Volume 3, State Record of Water Right Certificates.

Dated at Salem, Oregon, this 23rd day of October, 1944.


CHAS. E. STRICKLIN
State Engineer

*Noted on Decree, Vol. 1, p. 438
and Cert. 850A.
and Cert. 2398*

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