

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF ESTATE OF ROSS B. HAMMOND FOR)
 THE APPROVAL OF A CHANGE IN USE)
 AND POINT OF DIVERSION OF WATER)
 FROM SQUAW CREEK)

ORDER APPROVING
TRANSFER NO. H-190

On July 26, 1968, Estate of Ross B. Hammond filed an application in the office of the State Engineer for the approval of a change in use and point of diversion of water from Squaw Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Ross B. Hammond and recorded at page 31422, Volume 23, State Record of Water Right Certificates, confirms a right to the use of the water of Squaw Creek for the irrigation of, among other lands, 1.0 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 10 East, W.M., with a date of priority of 1886. Water for this use is diverted from a point located 600 feet South and 1170 feet West from the E $\frac{1}{4}$ corner of Section 17 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 15 South, Range 10 East, W.M.

The applicant herein, owner of the land above described, proposes to change the use of 0.02 cubic foot per second of water from irrigation of 1.0 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 10 East, W.M. to use for fish culture in a reservoir and to divert water at the dam 765 feet South and 130 feet East from the W $\frac{1}{4}$ corner of Section 9 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 15 South, Range 10 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use and point of diversion of water, if any there were, namely: at the county courthouse in Bend, Oregon, on

January 30, 1969, at 9:30 a.m. The notice was published in The Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of December 4, 11, and 18, 1968. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Bruce A. Estes, Watermaster of District No. 11, has filed a report to the effect that the proposed change in use and point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in use of water is approved and the water right hereinbefore described as being appurtenant to 1.0 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 10 East, W.M., with a date of priority of 1886, be severed therefrom and simultaneously without loss of priority transferred to use of 0.02 cubic foot per second of the waters of Squaw Creek for fish culture in a reservoir in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 10 East, W.M. during the irrigation season.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Squaw Creek, to-wit:

From a point located 600 feet South and 1170 feet West from the E $\frac{1}{4}$ corner of Section 17 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 15 South, Range 10 East, W.M.

To a point to be located 765 feet South and 130 feet East from the W $\frac{1}{4}$ corner of Section 9 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 15 South, Range 10 East, W.M.

for fish culture in a reservoir in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 10 East, W.M., with a date of priority of 1886, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1969.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.02 cubic foot per second.

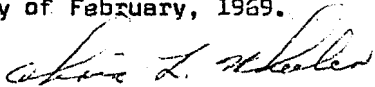
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Ross B. Hammond and recorded at page 31422, Volume 23, 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, a certificate of water right shall be issued to the Estate of Ross B. Hammond confirming the extent to which the water has been applied beneficially and confirming the change in point of diversion and covering the balance of the lands not included in this proceeding.

Dated at Salem, Oregon, this 5th day of February, 1969.


CHRIS L. WHEELER
State Engineer