

Deschutes County.

IN THE MATTER OF THE APPLICATION OF)
 E. S. PAYNE AND E. T. SLAYTON FOR THE)
 APPROVAL OF A CHANGE IN THE PLACE OF) O R D E R .
 USE OF WATER UNDER THE PROVISIONS OF)
 SECTION 5764 OREGON LAWS.)

Now at this time this matter coming on for consideration by the State Engineer on the application of E. S. Payne and E. T. Slayton, for the approval of a change in the place of use of the waters of Squaw Creek, and it having been made to appear:

That a water right for 30 acres in the SW 1/4 SE 1/4 of Section 14, T. 15 S. R. 10 E. W. M. (hereinafter called Tract No. 1) was allowed in the Squaw Creek adjudication, with priority of 1889, said tract being owned by E. T. Slayton, and that it is now desired to change the use of water from said tract to (8) acres in the SW 1/4 NE 1/4, (16) acres in the SE 1/4 NW 1/4, and (4) acres in the SW 1/4 NW 1/4 of Section 7, T. 14 S. R. 12 E. W. M. (hereinafter called Tract No. 2), said tract being owned by E. S. Payne;

*Trans. 9-20-31
 Sec. 46. Vol. 3
 Page 55*

*5 ac. 1/4 3/4
 2 ac. 1/4 3/4
 3 ac. 1/4 3/4
 Vol. 3
 P. 55*

That Tract No. 1 has been used as pasture, but that it is not profitable at the present time to irrigate said land for that purpose, nor would it be profitable under present conditions to place said land in shape to raise cultivated and marketable crops; and that it has therefore become impracticable to economically use the water for the irrigation of said land; that said land is irrigated through the canal of the Squaw Creek Irrigation District; and that the Board of Directors of said District has given its consent in writing to the proposed change;

That the water rights appurtenant to Tract No. 2 are of too late a date of priority to insure a water supply sufficient for the irrigation of said land; that said land is in a fair state of cultivation and the soil is of good quality, and that a more economical and beneficial use of water would result if said tract could be irrigated with the water now used on Tract No. 1;

And it appearing further, that inspection of the lands involved has been made by the State Engineer in accordance with law, and that said change

can apparently be made without injury to other rights; but that other parties whose rights might be affected by the change have not had notice and been given an opportunity to object to said change;

NOW, THEREFORE, it is hereby ORDERED that, subject to the conditions herein imposed, said application be and the same is hereby allowed, and said change approved, and that the water right now appurtenant to Tract No. 1 may be severed from said land, and the water covered by said right may be used on and become appurtenant to Tract No. 2, without loss of priority of the right heretofore established, except as to such existing rights to which such change is a detriment or injury, but said right hereby transferred is hereby made subject and subsequent to any and all rights so injured by such change, to the extent of such injury.

AND IT IS FURTHER ORDERED, that said application is approved only on condition that after such change has been made and the water used on Tract No. 2 under priority of 1869, the equivalent acreage of any other water right which might now be appurtenant to said Tract No. 2, shall be considered as abandoned, and the water covered thereby shall revert to the State of Oregon and become subject to appropriation by other users of water from said stream.

Dated this 25th day of February 25, 1924, at Salem, Oregon.

Rhea Luper
RHEA LUPER, State Engineer.

STATE ENGINEER.

but that it is not available at the present time to irrigate said land for this purpose, nor would it be profitable under present conditions to plant there land in attempt to raise cultivated and marketable crops, and that it has therefore become impracticable to immediately use the water of said land; that said land is irrigated through the Board of Directors of the Board of Directors, and that the Board of Directors has given its consent in writing to the proposed change:

Notations made
in records
Cert. # 298
File # S-40