

ASSIGNED Charles R. & Jean F. Topping
67380 Harrington Loop Rd.
Bend, Or. 97701

3526

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in point of diversion and place of use
Date filed 2-9-77
Date of hearing 7-5-77
Place of hearing Bend
Date of order 7-25-77 Vol. 29, page 134
Date for application of water 10-1-79

Name of stream Squaw Creek
Trib. of L. Deschutes County of L. Deschutes
Use irrigation
Quantity of water 10 No. of acres 10
Name of ditch Dennis Ditch
Date of priority

Date	Amount	Receipt No.
2/9/77	\$ 75.00	58013
6-9-77	10.14	61237
TOTAL 2-8-78	\$2 cert fee	7019
6-9-77	2% Cert. Fee	58013
Pd. The Redmond Spokesman		\$38.14 6-9-77
ck. # 1345		

Proof mailed
Proof received Modified by Decree, Vol. 18 Page 387
Certificate issued **DEC 19 1977** Vol. 37, page 45030 RR
SEP 3 1982 45 51184 RR

In name of Squaw Creek Adjudication, Vol. 1, page 123
App. No. 285 Per. No. 285 Cert. No. 285
Certificate cancelled
Notation made on record by

FEES REFUNDED

Date	Amount	Check No.
6/29/77	\$ 10.00	1369

Exam 20-
POU 10-
POD 15-
Cert 2-
47.00
PON 38.14
85.14

Surveyed 5-14-80 (Howard)

REMARKS

ASSIGNED to Larry K. & Barbara J. Sharpf, 3730 Turnbridge Wells, Salem, OR 97302

W.R.I.S.

Assembled 7-1-85 by SM
Entered by
Verified by

TO BE ENTERED WHERE CHECKED

INDEX CARDS:

Entered Checked

Name

Stream

Pt. of Div.

Calendar

CHECKED TO REF.

Two & Reg.

Certificate

Certificate

Date of W.R.

Per. Order

Certificate

Cross Ref.

Power Claim

Annotations

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
PAUL B. AND GLADYS I. HOWARD FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER FROM SQUAW CREEK)

ORDER APPROVING
TRANSFER NO. 3526

On February 9, 1977, an application was filed in the office of the Water Resources Director by Paul B. and Gladys I. Howard for a change in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at page 285, Volume 1, State Record of Water Right Certificates, in the names of Rachael McCaffery, Frank W. McCaffery and Robert Smith, describes an existing right of record which includes the use of not to exceed 0.21 cubic foot per second from Squaw Creek for irrigation of 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 15 South, Range 10 East, W.M., with a date of priority of 1885.

Water for the said right is diverted through the Dennis Ditch from a point located 150 feet North and 750 feet East from the West quarter corner of Section 9, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 15 South, Range 10 East, W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the place of use and point of diversion and to irrigate a certain 10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 15 South, Range 10 East, W.M., from a point of diversion located 998 feet North and 1211 feet East from the Southwest corner of Section 21, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 15 South, Range 10 East, W.M.

429
P134-136
corner of
corner of

Notice of the application, pursuant to ORS 540.510, was published in the Redmond Spokesman, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of May 11, 18 and 25, 1977.

Mr. Bruce A. Estes, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of 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 requested changes in place of use and point of diversion as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity available at the old point of diversion under the subject right, and shall not exceed 0.21 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 the construction work shall be completed and the change in point of diversion of water made and said water so transferred

shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Rachael McCaffery, Frank W. McCaffery and Robert Smith and recorded at page 285, Volume 1, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 25th day of July, 1977.

/s/ JAMES E. SEXSON
Director

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STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF CROOK.

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That RACHAEL McCAFFERY, FRANK W. McCAFFERY, Redmond, Oregon, and ROBERT SMITH, Sisters, State of Oregon, has a right to the use of the waters of SQUAW CREEK, a tributary of the Deschutes River, in ~~Crook County, Oregon,~~

for the purposes of irrigation ^{of 14 acres} and domestic use, (~~irrigation during the irrigation season~~)

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at page 120 ; that the priority of the right hereby confirmed dates from 1885;

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid; is limited to an amount actually beneficially used for said purposes, and shall not exceed .5 cubic ^{foot} per second. 1/50 / 4 1/2
0.29

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

¹¹ 21 acres in SW¹/₄ of SW¹/₄; and 3 acres in NW¹/₄ of SW¹/₄; Sec. 4, Tp. 15 S. R. 10 E., W. M., in Crook County, Oregon.

¹¹⁰ 21.0 acres in SW¹/₄ SW¹/₄ ~~7#3526~~
3.0 " " NW¹/₄ SW¹/₄ ~~10~~
Section 4
T 15 S, R 10 E, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 285, Volume 1, State Record of Water Right Certificates; NOT modified by the provisions of an order of the Water Resources Director entered on July 25, 1977, approving transfer application No. 3526.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

BOARD OF CONTROL

(Seal of the Board of Control)

By JOHN H. LEWIS,
State Engineer, President

Attest:
M. B. Wann,
Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 285.

STATE OF OREGON

COUNTY OF

DESCHUTES

CERTIFICATE OF WATER RIGHT

This Is to Certify, ThatRACHAEL MCCAFFERY,
FRANK W. MCCAFFERY and ROBERT SMITHof Sisters
a right to the use of the waters of Squaw Creek

, State of Oregon 97759 , has

a tributary of Deschutes River
irrigation of 14.0 acres and domestic use

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at page 120; that the priority of the right thereby confirmed dates from 1885

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.29 cubic foot per second

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

14.0 acres SW 1/4 SW 1/4
Section 4
Township 15 South, Range 10 East, WM

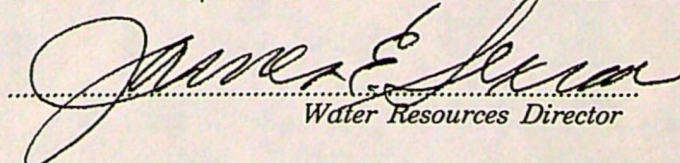
This certificate supersedes Certificate of Water Right recorded at page 45030, Volume 37, State Record of Water Right Certificates, to describe the right as corrected by a decree and order of the Circuit Court for Deschutes County, entered April 16, 1968.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date September 3, 1982 .


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45 , page 51184

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
County of Deschutes, } ss.

I, Carl Vertrees being first
duly sworn, depose and say that I am the owner, editor, publisher,
manager, advertising manager, principal clerk of The Redmond
Spokesman, printer or his foreman of The Redmond Spokesman, a
newspaper of general circulation, as defined by ORS 193.010, printed
and published at Redmond, Oregon, in the aforesaid county and state;
and that the Notice of Water Right Transfer

..... Application No. 3526
a printed copy of which is hereto annexed, was published in the entire
issue of said newspaper for 3 successive and consecutive
weeks in the following issues.

..... May 11, 1977
..... May 18, 1977
..... May 25, 1977
.....
.....
.....

Carl Vertrees

Subscribed and sworn to before me this 11th day of
May, 1977.

Terri Watter

Notary Public for Oregon.

My Commission expires February 17th 1981

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3526

Notice is given hereby that Paul B. and Gladys I. Howard have filed an application in the office of the Water Resources Director for the approval of a change in place of use and point of diversion from Squaw Creek.

Certificate of water right recorded at Page 285, Vol. 1, State Record of Water Right Certificates, in the names of Rachael McCaffery, Frank W. McCaffery and Robert Smith, describes an existing right of record which includes the use of not to exceed 0.21 cubic foot per second from Squaw Creek for irrigation of 10.0 acres in SW 1/4 SW 1/4 of Sec. 4, T. 15 S., R. 10 E., W.M., with a date of priority of 1885.

Water for the said right is diverted through the Dennis ditch from a point located 150 ft. N. and 750 ft. E. from the W. 1/4 corner of Sec. 9, being within the SW 1/4 NW 1/4 of Sec. 9, T. 15 S., R. 10 E., W.M.

The applicants herein, owner of the lands above described, propose to change, without loss of priority, the place of use and point of diversion and to irrigate a certain 10.0 acres in NW 1/4 NE 1/4 of Sec. 26, T. 15 S., R. 10 E., W.M. from a point of diversion located 998 ft. N. and 1211 ft. E. from the SW corner of Sec. 21, being within the SW 1/4 SW 1/4 of Sec. 21, T. 15 S., R. 10 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Bend, Oregon, on July 5, 1977, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Paul B. and Gladys Howard, 78233 Cedar Park Rd., Collage Grove, Or. 97424, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 27th day of April, 1977.

JAMES E. SEXSON
Director

Published: May 11, 18 and 25, 1977.

RECEIVED
JUN-1 1977
WATER RESOURCES DEPT
SALEM, OREGON