

DEPARTMENT OF THE INTERIOR F.D. 23928.

"F" JAD
Squaw Creek Irr. Dist. GENERAL LAND OFFICE.
The Dalles Land District.
Favorable report
Special Agent Burt.

Portland, Oregon,

April 21, 1924.

The Commissioner,

General Land Office,

Washington, D.C.

Approved 4-23- 1924:
MAY 13 1924
Chief of Field Division, GLO.

Sir:

Your letter "F" JAD dated December 4, 1920, made reference to a statement dated May 14, 1919, in which H. H. De Armond, Secretary of Squaw Creek Irrigation District set forth that Jake Kooyman, who June 2, 1919, filed D.L.A. The Dalles 020743 for the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3) Sec. 31, T. 13 S., R. 12 E., W.M., containing 39.72 acres, can secure sufficient water from the district to irrigate the irrigable land covered by the application. The letter cited states that your office has no report on file as to this district and directs that investigation and report be made.

A field examination of the district works was made by me from November 10, to November 15, 1923, and records relating to the district have been examined at various subsequent dates as opportunity offered. The following information has been obtained.

2167795

Noted

HISTORY.

The Squaw Creek Irrigation Company was incorporated on February 20, 1891 for the purpose of irrigating lands from Squaw Creek. A report covering this company was submitted by me under date of October 28, 1915. The Squaw Creek Irrigation District is a municipal corporation organized in 1918 for the purpose of taking over the project of the Squaw Creek Irrigation Company. The project has been taken over by the district and is now operated by it. The operations of the district are covered in the succeeding pages of this report.

MAPS.

A very complete map was submitted with my report of October 28, 1915. There appears to be no necessity of preparing another map as all matters discussed in this report are intelligible by reference to the map described. The boundaries of the district can be conveniently indicated thereon with very little trouble.

ORGANIZATION.

An election for the organization of this district was held on February 25, 1918, in accordance with the requirements of the Oregon law. On the following Monday, believed to have been March 4, 1918, the County Court canvassed the votes, found that the electors had cast the required majority of votes in favor

of the organization of the district, and declared the district to be duly organized under the name "SQUAW CREEK IRRIGATION DISTRICT."

The organization proceedings subsequently came up for judicial review by the Circuit Court of the State of Oregon for the County of Deschutes in connection with a bond issue, and by decree entered July 12, 1918, the Circuit Court confirmed all the proceedings in connection with the organization and declared the district duly organized.

LOCATION.

The district is located in T. 13 S., R. 12 E., T. 14 S., Rgs. 11 and 12 E., and T. 15 S., Rgs. 10 and 11 E., W.M. It is entirely within Deschutes County, Oregon, except as to T. 13 S., R. 12 E., which is in Jefferson County.

The territory covered lies west of Deschutes River and East of Squaw Creek, extending from the vicinity of the town of Sisters northward nearly to the junction of the creek and the river.

BOUNDARIES.

On September 19, 1923, an examination of the records of Deschutes County showed the boundaries of the district to be as follows:

Beginning at SE corner Sec. 14, T.15 S., R.10 E., W.M.
Thence southerly to NE corner Sec. 26
Thence westerly to quarter corner on north side Sec. 26
Thence southerly to SW corner NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26
Thence easterly to SE corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.30, T.15 S.,R.11 E

Thence northerly to SE corner Sec. 19
 Thence easterly to SE corner Sec. 20
 Thence northerly to quarter corner on east side Sec. 8
 Thence easterly to quarter corner on east side Sec. 9
 Thence northerly to NE corner $SE\frac{1}{4}NE\frac{1}{4}$ Sec. 4
 Thence easterly to SE corner $NW\frac{1}{4}NW\frac{1}{4}$ Sec. 3
 Thence northerly to NE corner $NW\frac{1}{4}NW\frac{1}{4}$ Sec. 3
 Thence westerly to SE corner Sec. 33, T.14 S., R.11 E
 Thence northerly to NE corner Sec. 33
 Thence easterly to SE corner Sec. 30, T.14 S., R.12 E
 Thence northerly to NE corner Sec. 19
 Thence easterly to SE corner Sec. 17
 Thence northerly to NE corner $SE\frac{1}{4}NE\frac{1}{4}$ Sec. 8
 Thence easterly to SE corner $NW\frac{1}{4}NE\frac{1}{4}$ Sec. 9
 Thence northerly to NE corner $SW\frac{1}{4}SE\frac{1}{4}$ Sec. 4
 Thence westerly to NE corner $SE\frac{1}{4}SE\frac{1}{4}$ Sec. 5
 Thence northerly to NE corner Sec. 20, T.13 S., R. 12 E
 Thence westerly to quarter corner on north side Sec. 19
 Thence southerly to center Sec. 31
 Thence westerly to quarter corner on west side Sec. 31
 Thence southerly to SW corner Sec. 31
 Thence westerly to NW corner $NE\frac{1}{4}NE\frac{1}{4}$ Sec. 2, T.14 S., R.11E.
 Thence southerly to SW corner $SE\frac{1}{4}SE\frac{1}{4}$ Sec. 14
 Thence westerly to NW corner Sec. 23
 Thence southerly to quarter corner on west side Sec. 26
 Thence westerly to quarter corner on west side Sec. 30
 Thence southerly to SW corner Sec. 31
 Thence easterly to NW corner Sec. 5, T.15 S., R.11 E.
 Thence southerly to SW corner Sec. 5
 Thence westerly to NW corner Sec. 12, T.15 S., R.10 E.
 Thence southerly to quarter corner on west side Sec. 13
 Thence westerly to center Sec. 14
 Thence southerly to quarter corner on south side Sec. 14
 Thence easterly to point of beginning,

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LANDS:

T. 13 S., R. 12 E.

Sec. 19 $NE\frac{1}{4},$
 $W\frac{1}{2}SE\frac{1}{4},$
 Sec. 20 $N\frac{1}{2}N\frac{1}{2},$
 $SE\frac{1}{4}NE\frac{1}{4},$
 $NE\frac{1}{4}SE\frac{1}{4},$
 $W\frac{1}{2}SE\frac{1}{4},$
 Sec. 29, $E\frac{1}{2},$
 $E\frac{1}{2}SW\frac{1}{4},$

Sec. 31 NW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$,

Sec. 32 S $\frac{1}{2}$,
NE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$

T. 14 S., R. 11 E.

Sec. 1 NW $\frac{1}{4}$ NE $\frac{1}{4}$.
NW $\frac{1}{4}$

Sec. 2 E $\frac{1}{2}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 11 SE $\frac{1}{4}$ NE $\frac{1}{4}$
E $\frac{1}{2}$ SE $\frac{1}{4}$

Sec. 12 N $\frac{1}{2}$,
SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$,

Sec. 13 NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 14 E $\frac{1}{2}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 23 NW $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$
N $\frac{1}{2}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$

Sec. 24 NE $\frac{1}{4}$
E $\frac{1}{2}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$
W $\frac{1}{2}$ SE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 25 W $\frac{1}{2}$
S $\frac{1}{2}$ SE $\frac{1}{4}$

Sec. 26 all

Sec. 27 S $\frac{1}{2}$

Sec. 28 SE $\frac{1}{4}$,

T. 14 S., R. 11 E.
(continued)

Sec. 29 $N\frac{1}{2}SE\frac{1}{4}$
 $SW\frac{1}{4}$

Sec. 30 $N\frac{1}{2}S\frac{1}{2}$
 $SW\frac{1}{4}SW\frac{1}{4}$

✓ Sec. 31 $W\frac{1}{2}NW\frac{1}{4}$,
 $SE\frac{1}{4}NW\frac{1}{4}$
 $SW\frac{1}{4}$

Sec. 32 $NW\frac{1}{4}$
 $E\frac{1}{2}SW\frac{1}{4}$
 $W\frac{1}{2}SE\frac{1}{4}$
 $NE\frac{1}{4}SE\frac{1}{4}$

Sec. 33 $NE\frac{1}{4}$,
 $NE\frac{1}{4}NW\frac{1}{4}$
 $N\frac{1}{2}SE\frac{1}{4}$

T. 14 S., R. 12 E.

Sec. 4 $S\frac{1}{2}SW\frac{1}{4}$

Sec. 5 $S\frac{1}{2}$,
 $W\frac{1}{2}NW\frac{1}{4}$,

Sec. 6 $N\frac{1}{2}NE\frac{1}{4}$
 $SW\frac{1}{4}NE\frac{1}{4}$
 $SE\frac{1}{4}$

Sec. 7 $NE\frac{1}{4}$
 $S\frac{1}{2}NW\frac{1}{4}$

Sec. 8 $N\frac{1}{2}NE\frac{1}{4}$
 $SW\frac{1}{4}NE\frac{1}{4}$
 $NW\frac{1}{4}$
 $N\frac{1}{2}SW\frac{1}{4}$
 $W\frac{1}{2}SE\frac{1}{4}$

Sec. 9 $NW\frac{1}{4}NE\frac{1}{4}$

Sec. 17 $S\frac{1}{2}NE\frac{1}{4}$
 $NW\frac{1}{4}NE\frac{1}{4}$
 $SE\frac{1}{4}NW\frac{1}{4}$
 $N\frac{1}{2}SW\frac{1}{4}$
 $SE\frac{1}{4}SW\frac{1}{4}$
 $SE\frac{1}{4}$

T.14 S., R.12 E.
(continued)

Sec. 18 NE $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 19 N $\frac{1}{2}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
E $\frac{1}{2}$ SE $\frac{1}{4}$

Sec. 30 E $\frac{1}{2}$
S $\frac{1}{2}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$

T.15 S., R.10 E.,

Sec. 12 NW $\frac{1}{4}$ NW $\frac{1}{4}$
S $\frac{1}{2}$ NW $\frac{1}{4}$
N $\frac{1}{2}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$

Sec. 13 all

Sec. 24 SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$

Sec. 25 N $\frac{1}{2}$ N $\frac{1}{2}$

Sec. 26 NE $\frac{1}{4}$ NE $\frac{1}{4}$

T.15 S., R.11 E.

Sec. 5 NW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$

Sec. 9 - S $\frac{1}{2}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$

Sec. 17 S $\frac{1}{2}$
E $\frac{1}{2}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$

Sec. 18 E $\frac{1}{2}$ SE $\frac{1}{4}$

Sec. 19 all

Sec. 20 E $\frac{1}{2}$ NW $\frac{1}{4}$
E $\frac{1}{2}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$

DESCRIPTION OF PROJECT.

The project was fully described in my report of October 28, 1915, and remains in substantially the same condition to-day except at the headworks. Immediately after its organization the district built new headworks about a mile down the creek from those described in the report.

The new headworks consisted of a concrete dam across the creek and a concrete headgate on the east bank of the creek. There is also a concrete headgate for an individual user on the west bank of the creek. The concrete diversion dam was improperly constructed and washed out almost immediately. The headgates remain.

No description of the diversion dam can be given as it is now entirely removed and other works have been substituted for it. The headgate originally was a part of the same structure.

The present headgate structure is about fifty feet long. A wing wall extends into the bank at the south end, but was buried so its length could not be ascertained. There is a wing wall 15 feet long along the bank of Squaw Creek at the north end of the gate. These walls are 12 inches thick.

The gate has five apertures, each four feet square and spaced five feet from center to center. The piers between the apertures are of concrete and extend ten feet down the ditch. They are 12 inches thick and the wall of the gate itself is

two feet thick. Upstream from the gate a rock crib has been built for about 30 feet along the bank of the creek and above that there is about one hundred feet of earth fill. On the down stream end of the gate is a crib which extends downstream to the present diversion dam.

The apertures in the headgate are closed by gates built of plank and operated by threaded stems.

The condition of this head gate is poor. The concrete is disintegrating and the piers have been covered with boards to protect them from the action of water. The wall of the gate is cracked clear through in one place and there are evidences of settling that indicate improper foundations. The structure will probably not last long.

The headgate for the individual user on the west bank is in good condition. District land is not served through it.

When the concrete diversion dam failed a timber crib (the) dam was substituted. This dam is built about forty feet below the original dam. Mr. R. H. Bayley, who did the work, accompanied me to the dam and gave me the details of such construction as could not be seen.

In constructing the log crib dam, excavation was made to hardpan, about six feet of gravel being removed. Logs were then cribbed in the bed of the stream, the cribs extending about twenty feet into the bank on both sides of the stream. This crib was carried about 8 ft. above the original bed of the stream.

Twelve by Twelve timbers were then laid against the upstream side of the crib with their lower ends embedded in hardpan. These timbers have a slope of about forty-five degrees and are spiked in place. A mat of fir brush was then laid to a depth of about one foot, extending down stream from about fifteen feet above the dam and well up on the timber described above. The brush was then loaded with earth and gravel. The shore cribs are planked on the side toward the stream.

The spillway is about twenty-five feet long and it and waste gate cover the natural width of Squaw Creek channel. The spillway portion of the dam is covered on top with four by twelve planks and similar planks placed at an angle of forty-five degrees cover the downstream face of the dam. Water running over the spillway will fall on a floor of similar planks extending twelve feet down-stream.

A waste gate about five feet wide has been cut in the west end of this dam. This waste gate has its bottom some four feet below the crest of the spillway. The gate operates against twelve by twelve timbers set vertically and dovetailed into the logs of the dam. Each timber is strongly braced on both the upstream and downstream side. The bottom of the gate is floored and the sides are planked. A gate made of plank is designed to work vertically in grooves made by leaving a space

between the ends of planks in the sidewalls of the gate. The ends of some of the planks project and gate evidently catches on them and does not work. At the time of the examination the gate was wide open and the aperture was closed by timbers set vertically against the frame work of the gate. This defect can be easily remedied.

On the west bank of the stream, logs are laid parallel with the bank from the dam up to the concrete gate provided for the individual user. These logs are planked over to a level about four feet above the top of the spillway. On the east bank of the stream, the crib is extended upstream about forty feet and runs back of the concrete headgate to the district's canal, already described. The crib is filled with earth and is not planked over.

With the exception of the easily remedied defect in the wastegate, this is a simple but very satisfactory structure. It may be expected to endure for years. The spillway capacity is sufficient to pass any ordinary flood in the creek and the wastegate when opened, is an additional factor of safety.

The present canal is riprapped with rock for about fifty feet below the headgate. Below this riprap the new ditch is built through good soil and is not subject to excessive losses. The ditch is about twenty feet wide on the bottom and will carry

four feet of water with safety. It has a strong lower bank. It is designed to carry about 150 second feet and has a recorded discharge of ¹⁵⁵ 155 second feet.

The present headworks are located approximately in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T. 15 S., R.10 E. The newly constructed ditch runs from this point in a general easterly direction for about a mile and joins the old Squaw Creek ditch near the west line of Section 22, T.15 S., R.10 E.

About 500 feet below the intake there is a waste gate in the lower bank of the ditch. This gate is set well below the grade of the ditch. It is about 16 feet wide and is built of concrete. A concrete wall extends about 6 feet into the bank of the ditch on the upstream side and another extends about 3 feet along the bank of the ditch on the downstream side. Concrete walls also extend about 6 feet down the banks of the waste ditch. The gate is closed by flash boards. Water is wasted down a draw to Squaw Creek. To all appearances the structure is substantial and satisfactory.

Immediately below the waste gate there is a wheel installed by the State Fish Commission, which is designed to turn with the current in the ditch and scare fish from going down it. This wheel is undoubtedly a considerable obstruction to the flow of the ditch.

Just below the wheel there is an automatic discharge gage,

probably installed by the Geological Survey.

About a quarter of a mile below the intake a small ditch crosses the Squaw Creek Ditch. This small ditch is the Reed Ditch, which has a crude but effective intake a short distance above the Squaw Creek Ditch intake. It is used for irrigation and was carrying water at the date of examination. The crossing of Squaw Creek Ditch is accomplished merely by discharging water into it from the South and taking it out again on the North. There are no structures in the south bank, but there is a good concrete outlet on the north bank. This outlet is controlled by flash boards, but has no measuring device. In the absence of any device to measure either the water discharged into or taken from Squaw Creek Ditch by Reed Ditch, there is a great possibility of dissensions over water in years of shortage. There is a timber check in Squaw Creek Ditch just below Reed Ditch, apparently to facilitate the turning out of water.

About a quarter of a mile further down the Squaw Creek Ditch, it crosses an abandoned ditch, once known as the Wilson Ditch. Within a few hundred feet below that point the Cloverdale Ditch crosses Squaw Creek Ditch in the same manner as the Reed Ditch. Cloverdale Ditch is also used for irrigation.

Just below the crossing of Cloverdale Ditch, the new Squaw Creek Ditch discharges into the old Squaw Creek Ditch described in my report of October 28, 1915. Below this point the old

ditch remains much the same. A few enlargements have been made, particularly in the laterals of the Lower Bridge Water Users' Association and the Black Butte Land & Livestock Co. Both these laterals have been taken over by the district on the condition that it maintain them.

The old ditch from its junction with the new to its intake is still serviceable, but apparently has not been maintained since the new ditch was built. I went up the old ditch to its intake and found that it was carrying a few second feet between the intake and a waste gate about a quarter of a mile below. The headworks of the old ditch are in a very dilapidated state. The new ditch diverts all the water for the district.

APPRAISED VALUATION.

In connection with the bond issues of the district, the State Irrigation and Drainage Securities Commission has made the following appraisals:

Market value of water, water rights, canals, reservoirs, reservoir sites and other irrigation works owned or to be acquired by the district, at cost to district--	\$138,000.00
Market value of the land included within the boundaries of the district	<u>507,865.00</u>
TOTAL	\$645,865.00

Since bonds may be certified up to fifty per cent of the appraised valuation of the above items, the certification of \$322,900.00 of bonds is possible under the law. Bonds are usually not salable unless they are certified.

BONDS ISSUED.

The original certification of the bonds of Squaw Creek Irrigation District was in the amount of \$125,000.00, but of this amount only \$98,000.00 were issued and sold. A second issue of \$15,000.00 was certified, issued and sold as was a third issue of \$25,000.00. The bonded indebtedness of the district at present is therefore:

First Issue	\$98,000.00
Second Issue	15,000.00
Third Issue	<u>25,000.00</u>
Total	\$138,000.00

It is therefore still possible to certify \$184,000.00 of bonds for this district, which is more than all issues outstanding.

The matter of bonds is not of particular interest to the General Land Office in connection with this district, except to show that funds may be made available for repairs to the new headworks when they become necessary.

DISTRICT ASSESSMENTS.

Mr. George Aitken of Sisters, Oregon, Secretary of the district, informed me that the district levies a flat rate assessment on each acre of land to pay the interest on the bonds. This was \$1.50 per acre in 1923. The district also levies an assessment of thirty-five cents per acre foot of

water used. The annual assessments therefore vary with the amount of water used.

This method of assessing is not in accordance with the strict letter of the law, which provides that each acre of irrigable land shall be assessed the same as every other irrigable acre. It is nevertheless a very desirable manner of making the levy, and in this instance has had the effect of materially increasing the duty of water. The method will probably be maintained as long as there is no objection brought before the courts and it is possible that a court decision might hold this method to be substantial compliance with law.

DUTY OF WATER.

Squaw Creek has been adjudicated. The duty of water as fixed by the decree is very low, being approximately 1/50 of a second foot per acre, amounting to 6 acre feet per acre in a season extending from May to September. It is not probable that as high as 6 acre feet has been regularly used as irrigation is lighter in the early and late months of the season, but the duty of water has been far lower than it should be in the locality. Within the district the duty has been raised by the method of assessing given above and it appears that most users get along very nicely with about two acre feet per acre at present.

Notwithstanding this economy of use, the decree stands

in force and the method of assessment by which economy is achieved within the district may be ruled out if it is ever questioned and brought before the courts.

For the purposes of this report the duty of water therefore remains as it was in the report of October 28, 1915, 1/50 of a second foot per acre.

The economy in the use of water has brought the district into the courts, though the matter of assessments was not an issue. The Squaw Creek Irrigation Company had water rights adjudicated to it at various priorities. After the district began using less water, the earlier priorities within the district did not require all the water adjudicated to them. The district attempted to use this water on land within its boundaries having later priorities. The result was that a shortage was found outside the district and outside users protested and finally took the matter to the courts. The district maintained its right to use all the water adjudicated to it regardless of whether it was applied to the land to which it is appurtenant under the decree or to other land within the district boundary. The matter was carried to the Supreme Court by the district. The decision was against it. The title of the case is Squaw Creek Irrigation District vs. H. Mamero, et al.

SOURCE OF WATER SUPPLY.

The source of water supply is Squaw Creek. Water is obtained by direct diversion only.

WATER RIGHTS.

The water rights of the district are those of the Squaw Creek Irrigation Company. These rights are adjudicated and were fully covered in the report of October 28, 1915. Since that report was written the decree has been modified to some extent by transfers of water rights from one tract to another and by correction of descriptions in a few instances. The total of these modifications has no bearing on the situation as a whole, however, there being no great change in the area to be served by the water available at any priority.

The water rights of the Squaw Creek Irrigation Company were acquired by the district by purchase. The deed is recorded in Deschutes County, Oregon, in Book 31 of Deeds, page 391. It is as follows:

Grantor: Squaw Creek Irrigation Company.

Grantee: Squaw Creek Irrigation District.

Consideration: One dollar and other.

Conveys: - All the company's real and personal property which was owned by it on December 28, 1918, or has since been acquired, including water and water rights, canals, ditches, flumes and rights of way for the same, telephone lines, poles, wires, rights of way for same, franchises easements, licenses - in short everything whether described in the deed or not.

Date: Not dated.

Acknowledged: Before M. R. Elliott, notary public, July 13, 1921.

The Black Butte Land & Livestock Company also conveyed certain lands and the water rights appurtenant thereto to the district by a deed dated November 30, 1918. The conveyance was for \$10.00 and other valuable considerations. The deed is recorded in Deschutes County, Oregon, Book 24 of Deeds, page 183.

The lands conveyed are as follows:

T. 13 S., R. 12 E. - Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$.
Sec. 29, W $\frac{1}{2}$ W $\frac{1}{2}$,
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$,
Sec. 31, NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
T. 14 S., R. 12 E., Sec. 6, W $\frac{1}{2}$,
Sec. 7, N $\frac{1}{2}$ NW $\frac{1}{4}$.

The conveyance of the water rights appurtenant to these lands does not appear to have been important as the rights were adjudicated to the Squaw Creek Irrigation Company. The Black Butte Company would of course not have been deprived of its right to have the lands served under the adjudication had it not sold them.

// Checking over the lands of the district, it appears that it included within its boundaries practically all the lands to

which water rights were adjudicated under the Squaw Creek Irrigation Company. The excepted lands within the boundaries as listed herein exclude from the organization practically all those lands to which water rights were not adjudicated under the company or users through it.

In T. 13 S., R. 12 E., all the adjudicated rights of the company lie within the boundary of the district, and one subdivision having such a right was excepted from the organization. This is NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, which was purchased by the district from the Black Butte Company. All land not having an adjudicated water right under the Squaw Creek Irrigation Company was excepted from the district organization. //

In T. 14 S., R. 11 E., all land having an adjudicated right under the Squaw Creek Irrigation Company was included within the district boundary and all land not having such a right was excluded from the district organization by exception, except SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23. These two sub-divisions were shown as having no water right on the map accompanying the report of October 28, 1915, and a check of the corrected consolidation of the Squaw Creek decrees in the State Engineer's office does not show that they now have a water right.

In T. 14 S., R. 12 E., all land having an adjudicated water right under the Squaw Creek Irrigation Company was included within the district boundary and all land not having such a

right was excluded from the district organization by exception.

In T. 15 S., R. 10 E., all land having an adjudicated water right under the Squaw Creek Irrigation Company was included within the district boundary, except:

Section 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 36, NE $\frac{1}{4}$.

A check on the corrected copy of the consolidated decrees in the State Engineer's office shows that these sub-divisions still have an adjudicated water right under the Squaw Creek Ditch.

All subdivisions in this township not having an adjudicated water right under the Squaw Creek Irrigation Company were excluded from the district organization by exception.

In T. 15 S., R. 11 E., all subdivisions having an adjudicated water right under the Squaw Creek Irrigation Company were included within the district boundary, except:

Section 28, SW $\frac{1}{4}$,

Section 29, W $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Section 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$,
S $\frac{1}{8}$,

Section 31 N $\frac{1}{2}$ N $\frac{1}{2}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 32 $E\frac{1}{2}NE\frac{1}{4}$
 $NW\frac{1}{4}$

Section 33 $NE\frac{1}{4}$
 $N\frac{1}{2}SE\frac{1}{4}$

Section 34 $W\frac{1}{2}NW\frac{1}{4}$

All subdivisions not having an adjudicated water right under the Squaw Creek Irrigation Company and falling within the district boundary in this township, were excluded from the organization by exception, except $NW\frac{1}{4}SE\frac{1}{4}$ Section 5, which has no water right as shown on the map with the report of October 28, 1915. No right is found for it upon examination of the corrected consolidation of the Squaw Creek decrees in the State Engineer's office. The $NE\frac{1}{4}$ Section 7 is also shown on the map as having no water right, but the corrected consolidation shows it to have an adjudicated right of 1895 priority.

The district organization includes some lands that have a right adjudicated to users through the Squaw Creek Irrigation Company's ditch.

The map accompanying the report of October 28, 1915, was based upon the original consolidation of Squaw Creek decrees. There were some errors in this consolidation which have been corrected. All the errors found within the district have been shown herein.

At the time I was in touch with the district's officers I was under the impression that the district included all the

land having an adjudicated water right under the Squaw Creek Irrigation Company's ditch, though in running over my notes, no statement to that effect can be found. That some of the lands are not included in the district is not of great importance. It is quite possible that the owners did not desire to come in, and if they did not, they could not be deprived of their adjudicated rights. Water must still be delivered to the land, but the owners must of course pay their maintenance charges and any other proper costs that may be assessed against them.

Any land that is included in the district that is without an adjudicated right, is not entitled to water by such an inclusion. It stands precisely where it stood before and can acquire a water right only by regular procedure. It may possibly be the intention to transfer adjudicated water rights from undesirable subdivisions to these tracts.

To put the thing briefly, the water right situation is the same as it was when the report of October 1915 was made. The corrections in the consolidation of decrees are not corrections in the decrees themselves. Neither do those corrections alter the situation described in the original report in a way that affects irrigation from Squaw Creek as a whole. A hasty examination of the corrected consolidation indicates that the corrections are mainly of wrong descriptions, trans-

fers of water from one sub-division to another, or the names of owners. The corrections of areas appear to be very small and to work out their precise amount involves an expenditure of time and labor not justified by their extent. Substantially the same areas are entitled to water through the same ditches and at the same priorities as when the original report was written.

SUFFICIENCY OF WATER SUPPLY.

The water supply is the same as when the report of October 28, 1915, was submitted. Areas, priorities, ditches and duty of water being the same, its sufficiency is the same as when action was taken on that report. That the economy in the use of water effected by the method of assessment used by the district does not serve to supply all the land to which rights are adjudicated is shown by the fact that shortages occurred outside the district when it attempted to serve all the land within its boundaries, regardless of priority. The adequacy of the water right appurtenant to any tract of land still depends on the priority of the water right.

There is no room for argument on this point, however, since the duty of water is still fixed by the decree at about 1/50 of a second foot per acre. It may still be used to that extent by anyone within the district who wishes to pay the assessments and if he does not like the assessments, he may go into court and possibly have the method of levying upset, throwing the

Whole matter back as it was before.

Letter 368775- "G" PIB, May 20, 1919, taking action on Squaw Creek Irrigation Company, held the water supply of Squaw Creek to be inadequate to serve priorities later than 1895. Under the circumstances, this holding must still obtain.

It may be said, however, that this will not affect adversely any desert land application now pending that could receive favorable consideration under the adjudication decrees. Its effect will be adverse to rights initiated since the decrees were entered.

AREAS.

The gross area of the district is about 12,000 acres, and the Irrigation and Drainage Securities Commission, reporting upon an examination by the State Engineer, state the irrigable area to be 8,100 acres. This is the most authoritative figure available.

OFFICERS.

The officers of the district are as follows:

Gus Stadig, Lower Bridge, Oregon, Director and President.

George Cyrus, Sisters, Oregon, Director.

A.S. Holmes, Lower Bridge, Oregon, Director.

George Aitken, Sisters, Oregon, Secretary.

CONCLUSION:

1. - The Squaw Creek Irrigation District, which is the successor of the Squaw Creek Irrigation Company is legally organized.

2. - The new ditch built by the district to connect with the old ditch of the Squaw Creek Irrigation Company is satisfactory, though the method of crossing other ditches will probably give rise to water disputes.

3. - The new headgate is not a permanent structure, but since it appears the district is able to finance the building of a new one, this is not an obstacle to the approval of the project.

4. - The timber crib diversion dam is a satisfactory structure.

5. - The ditches of the district below the junction of the new ditch and the old have already been passed upon and approved by the General Land Office. They are in the same condition as at the time of approval except for some enlargement.

6. - The old Squaw Creek Ditch above the junction of the new and the old ditches does not serve land within the district.

7. - The district has considerable margin for the issue and sale of additional bonds, should that be necessary.

8. - The method by which the lands in the district are assessed is desirable, but does not conform strictly to the requirement of law and may be adjudged improper should it ever come before the courts. In that event the economy in the use of water produced by this method would be vitiated, and the method of assessment cannot be relied upon to produce permanent economy in the use of water.

9. - The duty of water fixed by the decrees still remains approximately 1/50 of a second foot per acre, and it must be regarded as so fixed in this report.

10. - The district has good title to its water rights.

11. - The lands to which water is adjudicated, the duty of water, the ditches, sources of supply and priorities all remain the same as when the original report as to this project was submitted on October 28, 1915. The water rights which were satisfactory for desert land entries at that time are therefore the satisfactory rights now. The recommendations of this report therefore follow the instructions given relative to desert land entries under the Squaw Creek Irrigation Company project in letter 368775 "G" PIB, May 20, 1919.

RECOMMENDATIONS.

1. - That desert land applications wherein Squaw Creek Irrigation District is alleged as the source of water supply be allowed when accompanied by proper showing that the land applied for has an adjudicated water right of priority not later than 1895 covering its irrigable area and also by proper showing that the land lies within the exterior boundaries of said district and is not excepted from its organization.

2. - That when a desert land entryman submits showing of payment of assessments for Squaw Creek Irrigation District as evidence of the expenditure required by law for annual proofs

on desert land entries, such annual proofs be accepted if it be shown that the land lies within the exterior limits of the irrigation district, is not excepted from its organization and has an adjudicated water right of the priority of 1895 or earlier.

3. - That final proofs on desert land entries be accepted when it is shown by proper evidence that the land lies within the exterior limits of Squaw Creek Irrigation District, is not excepted from its organization, and has an adjudicated water right of 1895 or earlier.

4. - That applications for extension of time to make final proof on desert land entries within the exterior limits of Squaw Creek Irrigation District, where the land involved is not excepted from its organization, and has an adjudicated water right of the priority of 1895 or earlier, be denied, unless the extension is asked on other grounds than that the project is not constructed to supply water to the entry.

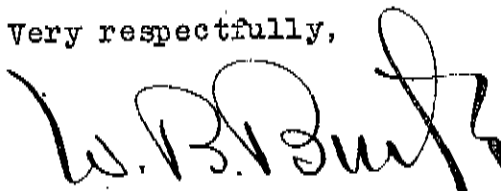
5. - That an application for extension of time based on other grounds than that the project is not constructed to furnish water to the entry be referred to the Chief of Field Division for investigation and report.

6. - That applications for relief under the Act of March 4, 1915 be denied if the land involved is within the exterior limits of Squaw Creek Irrigation District, not excepted from its or-

ganization and has an adjudicated water right of 1895 priority, or earlier.

7. - That all applications to make desert land entries and all annual and final proofs, in which Squaw Creek Irrigation District is alleged as the source of water supply and in which an adjudicated water right of the priority of 1895 or earlier is not shown to cover the irrigable area of the tract involved, be rejected.

Very respectfully,

A handwritten signature in cursive script, appearing to read "W. B. Smith". The signature is written in dark ink and is positioned below the typed name.

Special Agent, G.L.O.

WBB:BHH