

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF PRESTON K. AND LILLIAN A.)
LINDHORST FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM FIFTEENMILE CREEK)

ORDER APPROVING
TRANSFER NO. L-88

On June 21, 1967, Preston K. and Lillian A. Lindhorst filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wasco County, Oregon, entered March 19, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Fifteenmile Creek and its Tributaries, a water right was established in the name of Elvin D. Roberts for the use of the waters of Fifteenmile Creek for the irrigation of 14.0 acres in SE¼ NE¼, Section 1, Township 2 South, Range 12 East, W.M., with a date of priority of 1875. This right is evidenced by certificate recorded at page 5662, Volume 6, State Record of Water Right Certificates. These lands are irrigated by means of the Roberts Ditch from a point of diversion located 1475 feet north and 1880 feet west from the SE corner of Section 1 being within the NW¼ SE¼ of Section 1, Township 2 South, Range 12 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 261 feet north and 142 feet west from the E¼ corner of Section 1, Township 2 South, Range 12 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 point of diversion of water, if any there were, namely: at the county courthouse in The Dalles, Oregon, on September 3, 1969, at 9:30 a.m. The notice was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of June 9, 16, and 23, 1969. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Glenn E. Tracy, Watermaster of District No. 3, has filed a report to the effect that the proposed change in 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 point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Fifteenmile Creek, to-wit:

From a point of diversion located 1475 feet north and 1880 feet west from the SE corner of Section 1 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 2 South, Range 12 East, W.M.

To a point to be located 261 feet north and 142 feet west from the E $\frac{1}{4}$ corner of Section 1 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 2 South, Range 12 East, W.M.

for the irrigation of 14.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 2 South, Range 12 East, W.M., with a date of priority of 1875, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1970.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed one acre foot per acre during any 30 day period up to July 1st of each year and

thereafter not to exceed three-fourths acre foot per acre during any 30 day period; provided, that the total quantity of water diverted during the irrigation season shall not exceed three acre feet per acre; and provided further, that the rate of flow shall not exceed one-fortieth of a second foot per acre after July 1st, except in case of rotation.

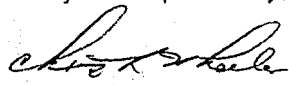
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 certificate of water right heretofore issued to Elvin D. Roberts and recorded at page 5662, Volume 6, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Preston K. and Lillian A. Lindhorst confirming said change in point of diversion.

Dated at Salem, Oregon, this 12th day of September, 1969.


CHRIS L. WHEELER
State Engineer