

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION )  
OF CLARENCE E. QUIRK FOR THE AP- )  
PROVAL OF CHANGES IN POINTS OF )  
DIVERSION OF WATER FROM FIFTEEN- )  
MILE CREEK )  
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ORDER APPROVING  
TRANSFER NO. Q-4

On May 5, 1969, Clarence E. Quirk filed an application in the office of the State Engineer for the approval of changes in points of diversion of water from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Clarence E. Quirk and recorded at page 33034, Volume 25, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.38 cubic foot per second of water from Fifteenmile Creek for the irrigation of, among other lands, 6.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 0.8 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 2 North, Range 15 East, W.M., with a date of priority of April 24, 1929. These lands are irrigated from a point of diversion located 1210 feet south and 1120 feet west from the NE corner of Section 31 being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 31, Township 2 North, Range 15 East, W.M.

Certificate of water right issued to Clarence E. Quirk and recorded at page 32363, Volume 24, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.54 cubic foot per second of water from Fifteenmile Creek for the irrigation of, among other lands, 7.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 2 North, Range 15 East, W.M., with a date of priority of April 14, 1960. These lands are irrigated from a point of diversion located 40 feet south and 2300 feet east from the NW corner of Section 31 being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, Township 2 North, Range 15 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 200 feet south and 2700 feet east from the NW corner of Section 31 being within the NE¼ NW¼ of Section 31, Township 2 North, Range 15 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 for the use of water hereinbefore described as being confirmed by certificate of water right recorded at page 33034, Volume 25, State Record of Water Right Certificates, if any there were, namely: at the county courthouse in The Dalles, Oregon, on August 26, 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 30, July 7 and 14, 1969. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Notice by publication as provided by ORS 540.520 was not given in connection with the proposed change in point of diversion for the use of water hereinbefore described as being confirmed by certificate of water right recorded at page 32363, Volume 24, State Record of Water Right Certificates, for reason that said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Glenn E. Tracy, Watermaster of District No. 3, has filed a report to the effect that the proposed changes in points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the

proposed changes in points of diversion may be made without injury to existing rights, the application should be approved.

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

From a point located 1210 feet south and 1120 feet west from the NE corner of Section 31 being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 31, Township 2 North, Range 15 East, W.M.

From a point located 40 feet south and 2300 feet east from the NW corner of Section 31 being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, Township 2 North, Range 15 East, W.M.

To a point to be located 200 feet south and 2700 feet east from the NW corner of Section 31 being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, Township 2 North, Range 15 East, W.M.

for the irrigation of 6.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 0.8 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 2 North, Range 15 East, W.M., with a date of priority of April 24, 1929, and 7.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 2 North, Range 15 East, W.M., with a date of priority of April 14, 1960, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the changes in points 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 points of diversion and shall not exceed 0.07 cubic foot per second, with a date of priority of April 4, 1929, and 0.09 cubic foot per second, with a date of priority of April 14, 1960.

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.

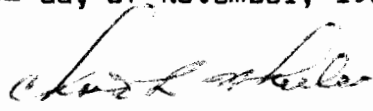
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for

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 certificates of water right heretofore issued to Clarence E. Quirk and recorded at page 33034, Volume 25, and page 32363, Volume 24, State Record of Water Right Certificates, are canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized changes in points of diversion, two certificates of water right shall be issued to Clarence E. Quirk confirming the changes in points of diversion and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 5<sup>th</sup> day of November, 1969.

  
CHRIS L. WHEELER  
State Engineer