

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION )  
OF PRESTON & LILLIAN LINDHORST )  
FOR APPROVAL OF CHANGES IN PLACE )  
OF USE AND POINT OF DIVERSION OF )  
WATER FROM FIFTEENMILE CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3892

On March 7, 1978, an application was filed in the office of the Water Resources Director by Preston and Lillian Lindhorst for approval of changes in place of use and point of diversion from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 20239, Volume 14, State Record of Water Right Certificates, in the name of Edgar N. Smith, describes a right which includes the use of not to exceed 0.33 cubic foot per second from Fifteenmile Creek, with a date of priority of November 17, 1921, for:

(a) Irrigation of 5.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, Township 2 South, Range 12 East, W.M., by diversion of water through Haverly Ditch from a point of diversion located North 4 degrees 12 minutes East, 228 feet from the Southeast Corner of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 1.

(b) Irrigation of 2.95 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 5.77 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 12.8 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 1, by diversion of water through Smith Ditch No. 1 from a point of diversion located North 84 degrees 09 minutes East, 293 feet from the South Quarter Corner of Section 1, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 1.

The applicants herein, owners of the lands above described, propose to make the following changes in place of use and point of diversion, without loss of priority:

(aa) With reference to a certain 7.95 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 2.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , among lands described in paragraphs (a) and (b) above: Change from the point of diversion described in paragraphs (a) and (b) above, to irrigate these lands from Pump No. 2 located 180 feet South and 860 feet West from the East Quarter Corner of Section 1, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 1.

(bb) With reference to a certain 3.77 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 11.03 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , among lands described in paragraph (b) above: Change from the point of diversion described in paragraph (b) above, to irrigate these lands from Pump No. 3

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located 630 feet North and 500 feet East from the South Quarter Corner of Section 1, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 1.

(cc) With reference to a certain 1.77 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , among lands described in paragraph (b) above: Change the place of use therefrom and change from the point of diversion described in paragraph (b) above, to irrigate in lieu thereof a certain 1.77 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 1, from Pump No. 2, as located in paragraph (aa) above.

Notice of the application, pursuant to ORS 540.520(2), 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 May 23 and 30; and June 6, 1978.

Mr. Thomas J. Paul, 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, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old points of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

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;

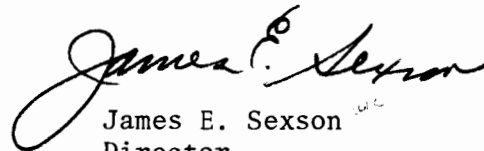
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1980.

The order of the Water Resources Director entered September 15, 1978, canceled the balance of the water right described by the certificate recorded at page 20239, Volume 14, State Record of Water Right Certificates, NOT involved in this transfer proceeding; therefore,

It is FURTHER ORDERED that the certificate of water right heretofore issued to Edgar N. Smith and recorded at page 20239, Volume 14, State Record of Water Right Certificates, is canceled; 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 15th day of September, 1978.

  
James E. Sexson  
Director