

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION )  
OF PRESTON & LILLIAN LINDHORST FOR)  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )

ORDER APPROVING  
TRANSFER NO. 3895

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

The certificate recorded at page 40410, Volume 32, State Record of Water Right Certificates, in the name of Preston and Lillian Lindhorst, describes a right which includes the use of water from Fifteenmile Creek for irrigation of 3.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 1, Township 2 South, Range 12 East, W.M., with a date of priority of 1875. Water for this right is diverted from a point located 220 feet North and 160 feet West from the East Quarter Corner of Section 1, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 1.

The certificate recorded at page 20238, Volume 14, State Record of Water Right Certificates, in the name of Edgar N. Smith, describes a right for the use of not to exceed 0.06 cubic foot per second from Fifteenmile Creek for irrigation of 4.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, Township 2 South, Range 12 East, W.M., with a date of priority of August 19, 1918. Water for this right is diverted, through the 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.

The certificate recorded at page 6806, Volume 7, State Record of Water Right Certificates, in the name of Edgar N. Smith, describes a right for the use of not to exceed 0.03 cubic foot per second from Fifteenmile Creek for irrigation of 0.5 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.25 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, Township 2 South, Range 12 East, W.M., with a date of priority of May 5, 1926. Water for this right is diverted, through the Smith & Roberts Ditch, from a point of diversion located North 80 degrees 51 minutes West, 638 feet from the Southeast Corner of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 1.

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The applicants herein, owners of the lands above described, propose to change the points of diversion therefrom, without loss of priority, to Pump Site 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.

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 change in points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change 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 requested change in 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 of water available at the old points of diversion under the subject rights.

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;

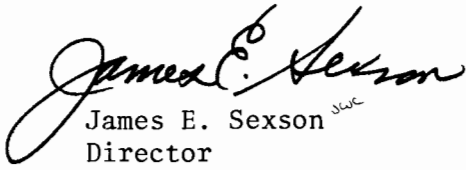
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificates of water right recorded at page 40410, Volume 32; page 20238, Volume 14; and page 6806, Volume 7, State Record of Water Right Certificates, are canceled; and in lieu of said certificate No. 40410, 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 15th day of September, 1978.

  
James E. Sexson <sup>WAC</sup>  
Director