

Wasco County

IN THE MATTER OF THE APPLICATION)
OF JERRY AND HILARY WELP FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM FIFTEEN-)
MILE CREEK)

ORDER APPROVING
TRANSFER NO. W-143

On February 13, 1969, Jerry and Hilary Welp 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 C. F. Galligan for the use of the waters of Fifteenmile Creek for the irrigation of 2.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 2 South, Range 13 East, W.M., with a date of priority of 1879. This right is evidenced by certificate recorded at page 5637, Volume 6, State Record of Water Right Certificates. These lands are irrigated by means of the Galligan (Haverly) ditch from a point of diversion located 2950 feet south and 1350 feet west from the NE 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.

The applicants herein, owners of the lands above described, propose to irrigate these lands from two points of diversion; one to be located 240 feet north and the second to be located 600 feet north and 700 feet east from the W $\frac{1}{4}$ corner of Section 6 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 2 South, Range 13 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 May 21, 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 March 24, 31, and April 7, 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 point of diversion of water may be established 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 located 2950 feet south and 1350 feet west from the NE 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 240 feet north from the W $\frac{1}{4}$ corner of Section 6 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 2 South, Range 13 East, W.M.

To a point to be located 600 feet north and 700 feet east from the W $\frac{1}{4}$ corner of Section 6 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 2 South, Range 13 East, W.M.

for the irrigation of 2.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 2 South, Range 13 East, W.M., with a date of priority of 1879, 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 three acre feet per acre in any irrigation season.

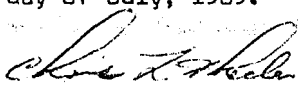
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new points of diversion as herein confirmed.

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 C. F. Galligan and recorded at page 5637, 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 Jerry and Hilary Welp confirming said change in point of diversion.

Dated at Salem, Oregon, this 7th day of July, 1969.


CHRIS L. WHEELER
State Engineer