

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)  
OF JAMES S. INGLES FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM FIFTEEN )  
MILE CREEK. )  
- - - - - )

*Amended:  
Sp. Or. Vol. 13 p. 196*

O R D E R

APPROVING APPLICATION

On May 23, 1900, James S. Ingles of Dufur, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Fifteen Mile 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 of the various claimants to the waters of Fifteen Mile Creek and its tributaries, a water right was established in the name of Wm. T. Vanderpool for the irrigation of 9.36 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, Township 1 South, Range 13 East, W. M., with a date of priority of 1893. In the same proceedings, a water right was established in the name of the Estate of L. E. Benedict for the irrigation of 4.1 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 34, with a date of priority of 1890. These lands are irrigated from Fifteen Mile Creek, through the Lew Henderson Ditch, the point of diversion of said ditch being located 2970 feet south and 2970 feet west from the northwest corner of said Section 34, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 1 South, Range 13 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 1620 feet south and 1280 feet east from the northwest corner of said Section 34.

In the same proceeding, a water right was established in the name of Wm. T. Vanderpool for the irrigation of 10.33 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 18.54 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, Township 1 South, Range 13 East, W.M., with a date of priority of 1862. Certificate of water right issued to Chase

Brothers and recorded at page 9836, Volume 9, State Record of Water Right Certificates, confirms a right under Permit 8202 for the irrigation of 15 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 5 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, with a date of priority of October 14, 1927. The land described in this paragraph is irrigated from Fifteen Mile Creek through the North Ditch, the point of diversion of said ditch being located 1620 feet south and 800 feet east from the northwest corner of Section 34, Township 1 South, Range 13 East, W. M., and being within the SW $\frac{1}{4}$  and NW $\frac{1}{4}$ , said Section 34.

The applicant proposes to continue to use the North Ditch for flood irrigation and to install two pumping stations for sprinkler irrigation. The point of diversion of the pump to be located 1330 feet south and 2145 feet east from the northwest corner of Section 34, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 34, is for the irrigation of the land in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, and the point of diversion of the pump to be located 1403 feet south and 3300 feet east from the northwest corner of said Section 34 and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 34, is for the irrigation of the land in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 34, Township 1 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 September 27, 1960. The notice was published in The Dalles Optimist, a newspaper printed and having a general circulation in Wasco County, Oregon, for a period of three weeks in the issues of August 4, 11 and 18, 1960. The date set for hearing was not less than thirty days after the last publication of the notice.

Mr. William A. Johnson, Watermaster of District No. 23, has filed a statement 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 proposed change in point of diversion of water involving the Lew Henderson Ditch from Fifteen Mile Creek, to-wit:

From a point located 2970 feet south and 2970 feet west from the northwest corner of said Section 34, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 1 South, Range 13 East, W. M.

To a point to be located 1620 feet south and 1280 feet east from the northwest corner of Section 34, Township 1 South, Range 13 East, W. M.

for the irrigation of 4.1 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 1 South, Range 13 East, W. M., with a date of priority of 1890, and 9.36 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, with a date of priority of 1893, be and the same is approved.

It is FURTHER ORDERED that the change in point of diversion of water involving North Ditch from Fifteen Mile Creek, to-wit:

From a point located 1620 feet south and 800 feet east from the northwest corner of Section 34, Township 1 South, Range 13 East, W. M., and being within the SW $\frac{1}{4}$  and NW $\frac{1}{4}$ , said Section 34.

To a point to be located 1330 feet south and 2145 feet east from the northwest corner of Section 34, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 34,

for sprinkler irrigation of 18.54 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, Township 1 South, Range 13 East, W. M., with a date of priority of 1862, and 5.0 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, with a date of priority of October 14, 1927; and

To a point to be located 1403 feet south and 3300 feet east from the northwest corner of Section 34, Township 1 South, Range 13 East, W. M., and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 34,

for sprinkler irrigation of 10.33 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 34, Township 1 South, Range 13 East, W. M., with a date of priority of 1862, and 15.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 34, with a date of priority of October 14, 1927, be and the same is approved, and the applicant herein may continue to use the North Ditch for flood irrigation.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1961, or within such extension of time as may be granted by the State Engineer for good cause shown.

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.

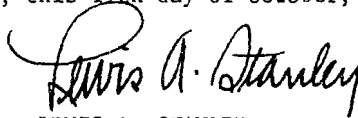
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Wasco County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 19th day of October, 1960.

Noted on Decree  
Vol. 7 pgs. 420 and 432  
Certs. # 5674, 5601, 49836



LEWIS A. STANLEY  
State Engineer

Trsf. - "I-15"

Amended: Sp. Or. Vol. 13, p. 196