

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION )  
OF PAUL SCHANNO FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM FIFTEENMILE CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2604

On February 16, 1972, Paul Schanno 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 Slusher Brothers for the use of the waters of Fifteenmile Creek for the irrigation of, among other lands, 11.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 2.3 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 26.7 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 20.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, Township 1 South, Range 13 East, W.M., with a date of priority of March 4, 1861, as evidenced by certificate of water right recorded at page 5666, Volume 6, State Record of Water Right Certificates. These lands are irrigated by means of the Slusher Brothers ditch from a point of diversion located 460 feet North and 480 feet East from the SW corner of Section 32, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 1 South, Range 13 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 1680 feet North and 1440 feet West from the SE corner of Section 32, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, 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 28, 1972 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 August 7, 14, and 22, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. William I. Porfily, 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 change in point of diversion may be made 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 460 feet North and 480 feet East from the SW corner of Section 32, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, Township 1 South, Range 13 East, W.M.

To a point to be located 1680 feet North and 1440 feet West from the SE corner of Section 32, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32, Township 1 South, Range 13 East, W.M.

for the irrigation of 11.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 2.3 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 26.7 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 20.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, Township 1 South, Range 13 East, W.M., with a date of priority of March 4, 1861, 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, 1974.

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.

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

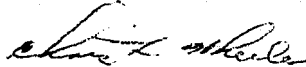
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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.

By order of the State Engineer entered June 8, 1964, the water rights for the irrigation of 1.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31 and 15.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 1 South, Range 13 East, W.M., with a date of priority of 1866, were canceled.

It is FURTHER ORDERED that certificate of water right heretofore issued to Slusher Brothers and recorded at page 5666, Volume 6, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding 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 Paul Schanno confirming the change in point of diversion.

Dated at Salem, Oregon, this 16th day of April, 1973.



CHRIS L. WHEELER  
State Engineer