

3892 Lindhorst

Name Preston & Lillian Lindhorst

3892

DESCRIPTION OF WATER RIGHT

By _____

Address Route 1 Box 181Dufur Or. 97021Change in POD & POVDate filed March 7, 1978Date of hearing July 13, 1978Place of hearing The DallesDate of order 9-15-78 Vol. 31, page 228Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued JUL 7 1989 Vol. 53, page 62743

NOV 13 1989

Name of stream Fifteenmile CreekTrib. of _____ County of WascoUse irrigationQuantity of water _____ No. of acres 26⁵²

Name of ditch _____

Date of priority November 17, 1921In name of Edgar N. Smith

_____ Adjudication, Vol. _____, page _____

App. No. 8169 Per. No. 5412 Cert. No. 20239

Certificate cancelled _____

Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|----------------|---------------------|--------------------|
| <u>3-7-78</u> | <u>247.00</u> | <u>1431</u> |
| <u>8-18-78</u> | <u><2.00></u> | <u>744 to 3895</u> |
| TOTAL . . . | | |
| | 0 Cert. Fee | |

The Dalles Chronicle \$143.46 pd 7-19-78 ck # 2415

FEES REFUNDED

| Date | Amount | Check No. |
|----------------|------------------------|-------------|
| <u>7-19-78</u> | <u>56⁵⁴</u> | <u>2414</u> |
| exam | 20 ⁰⁰ | |
| POD | 15 ⁰⁰ | |
| POV | 10 ⁰⁰ | |
| | 45 ⁰⁰ | |
| POV | 143.46 | |
| | 188.46 | |

REMARKS

Surveyed 5-6-83- finish - 8 Dec 89See 9-8678 supplementalto land involved in all transfers

W.R.I.S.

Assembled 5-7-85 by SAX

Entered _____ by _____

Verified _____ by _____

| INDEX CARDS: | Entered | Checked |
|---|------------|---------|
| <input checked="" type="checkbox"/> Name | <u>lgj</u> | _____ |
| <input checked="" type="checkbox"/> Stream | <u>lgj</u> | _____ |
| <input checked="" type="checkbox"/> Pt. of Div. | <u>lgj</u> | _____ |
| <input checked="" type="checkbox"/> Calendar | <u>lgj</u> | _____ |
| CHECKED TO RECORDS: | | |
| <input checked="" type="checkbox"/> Top. & Bps. | <u>WJO</u> | _____ |
| <input checked="" type="checkbox"/> Deeds-vault | <u>WJO</u> | _____ |
| <input checked="" type="checkbox"/> Deeds-safe | <u>WJO</u> | _____ |
| <input checked="" type="checkbox"/> Cert. of W.R. | <u>lgj</u> | _____ |
| <input checked="" type="checkbox"/> Per. Folder | <u>lgj</u> | _____ |
| <input checked="" type="checkbox"/> Chain-index | <u>lgj</u> | _____ |
| <input checked="" type="checkbox"/> Cross Ref. | <u>lgj</u> | _____ |
| <input checked="" type="checkbox"/> Power Claim | <u>lgj</u> | _____ |
| <input checked="" type="checkbox"/> Abstracts | <u>lgj</u> | _____ |

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)

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

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;

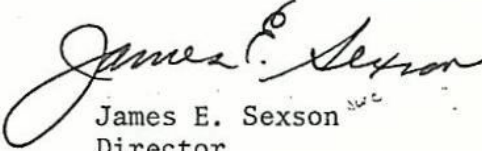
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

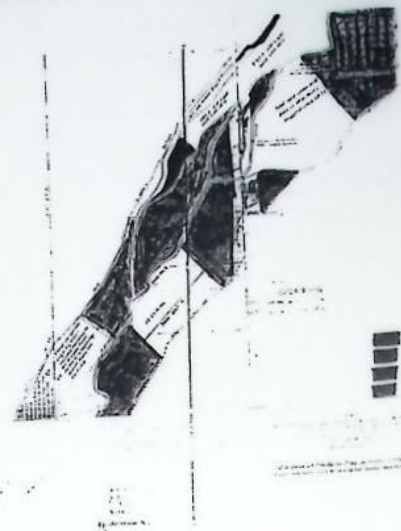
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

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

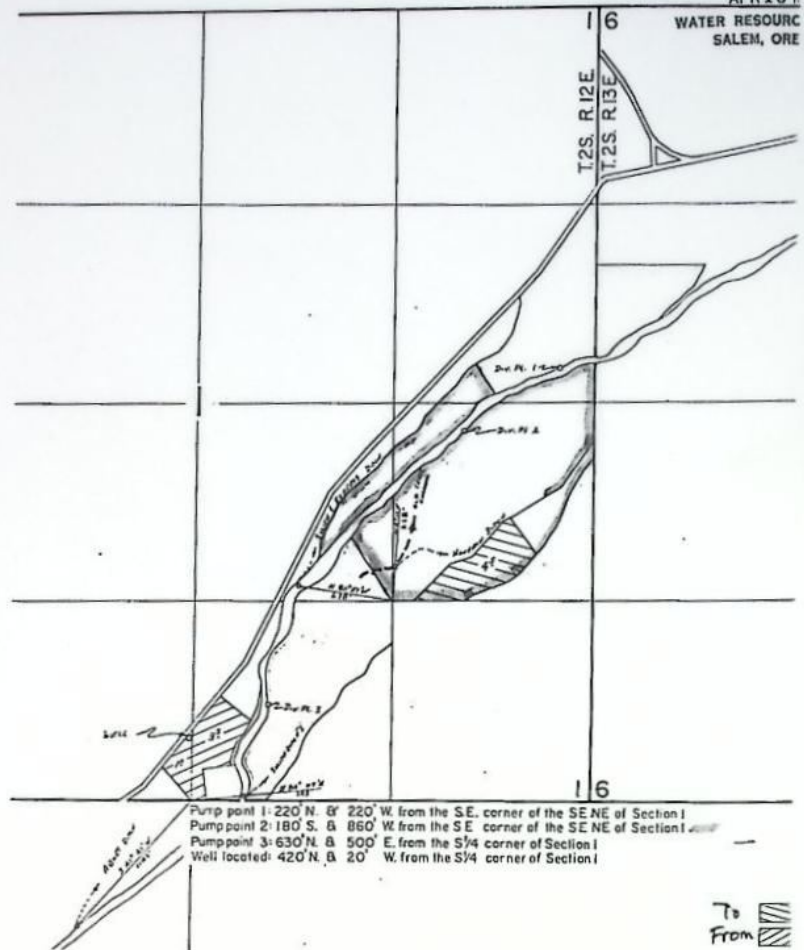


1.2S. R. 12 & 13 E. W. 14.

RECEIVED

APR 13 1911

WATER RESOURCES
SALEM, ORE



STATE OF OREGON

COUNTY OF WASCO NO YTHUOD

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Edgar N. Smith of the State of Oregon, 97021, has made proof

of Dufur, a tributary of Columbia River for the purpose of Irrigation under Permit No. 5412 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from November 17, 1921;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.36 cubic foot per second;

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE SE 1/4 Sec 1, T 2 S, R 12 E, W. 1.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

| | | | | |
|--|----------|----------|----|------|
| 0.59 acre in SE 1/4 SW 1/4 | 0.59 | 7-3892 | #2 | #3 |
| 7.95 acres in NE 1/4 SE 1/4 | 7.95 | 972 | | |
| 5.77 acres in NW 1/4 SE 1/4 | 5.77 | 29 | | 377 |
| 14.24 acres in SW 1/4 SE 1/4 | 1.44 | 12.80 | | 1103 |
| 28.55 - Section 1, T. 2 S., R. 12 E., W. 1 | 28.55 | 26.52 | | |
| | 0.03 cfs | 0.33 cfs | | |

NOTE: Of the lands described above, 5 acres in the NE 1/4 SE 1/4 are irrigated through the Haverly ditch and the balance of the lands are irrigated through the Smith Ditch No. 1.

NOTE: This certificate is issued to confirm a change in place of use of water approved by an Order of the State Engineer entered June 16, 1938, pursuant to the provisions of Section 116-606, O. C. L. A., and supersedes Certificate of Water Right heretofore issued to Edgar N. Smith and recorded at Page 5791, Volume 6, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 7th day of December, 19 53.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 20239.

7-3892

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF EDGAR N. SMITH)

O R D E R

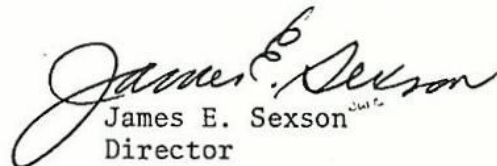
On March 7, 1978, Preston and Lillian Lindhorst submitted an affidavit that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 20239, Volume 14, State Record of Water Right Certificates, in the name of Edgar N. Smith, and is for the use of not to exceed 0.03 cubic foot per second of water from Fifteenmile Creek, with a date of priority of November 17, 1921, for the irrigation of 0.59 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.44 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 2 South, Range 12 East, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 20239, Volume 14, State Record of Water Right Certificates, is canceled.

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


James E. Sexson
Director

V31, P227

Public Notice

Smith Ditch No. 1, from a p.o.d. located No. 84 degrees 09' E, 293 ft from the SW $\frac{1}{4}$ Corner of Sec 1, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1.

By transfer application No. 3892, 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 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ & 2.0 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$, among lands described in paragraphs (a) & (b) above: change from the p.o.d. described in par. (a) & (b) above, to irrigate these lands from Pump No. 2, located 180 ft S & 860 ft W from the E $\frac{1}{4}$ Corner of Sec 1, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1.

(bb) With reference to a certain 3.77 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$ & 11.03 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$, among lands described in par. (b) above: change from the p.o.d. described in par. (b) above, to irrigate these lands from Pump No. 3, located 630 ft N & 500 ft E from the S $\frac{1}{4}$ Corner of Sec 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 1.

(cc) With reference to a certain 1.77 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$, among lands described in par. (b) above: change the place of use therefrom & change from the p.o.d. described in par. (b) above, to irrigate in lieu thereof a certain 1.77 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1 from Pump No. 2, as located in par. (aa) above.

The certificate recorded at page 20240 of said volume, in the name of Edgar N. Smith, describes a right which includes the use of water from Fifteenmile Creek, with a date of priority of 1875, for:

(d) Irrigation of 5.0 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 1, T 2S, R 12E, WM, by diversion through Smith Ditch No. 1, from a p.o.d. as located in par. (b) above.

(e) Irrigation of 3.5 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$ & 1.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec 1, by diversion through Abnet Ditch, from a p.o.d. located S 41 degrees 41' W, 1142 ft from the S $\frac{1}{4}$ Corner of Sec 1, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 12, T 2S, R 12E, WM.

(f) Irrigation of 3.47 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ & 1.47 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1, by diversion of water, through Roberts Ditch, from a p.o.d. located N 80 degrees 51' W, 638 ft from the SE Corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 1, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1.

(g) Irrigation of 8.5 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1 by diversion of water, through Haverly Ditch, from the p.o.d. as located in par. (a) above.

By transfer application No. 3893 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:

(dd) With reference to the 5.0 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$ as described in par. (d) above: change from the p.o.d. described in par. (b) above, to

irrigate this land from Pump No. 3 as located in par. (bb) above.

(ee) With reference to the 3.5 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$ & 1.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ as described in par. (e) above: change the place of use therefrom & change from the p.o.d. described in paragraph (e) above to irrigate in lieu thereof a certain 4.5 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1 from Pump No. 2, as located in par. (aa) above.

(ff) With reference to the 3.47 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ & 1.47 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$ as described in par. (f) above, with reference to the 8.5 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ as described in par. (g) above: change from the p.o.d. described in par. (f) & (a) above, to irrigate these lands from Pump No. 2 as located in par. (aa) above.

The certificate recorded at page 3418, Vol. 4, said record, in the name of E.D. Roberts,

describes a right for the use of not to exceed 0.08 cfs from Fifteenmile Creek for irrigation of 6.0 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 1, T 2S, R 12E, WM, with a date of priority of May 24, 1919. Water for this right is diverted, through the Roberts Ditch, from the point as located in par. (f) above.

By transfer application No. 3894, the applicants herein, owners of the lands above described in said certificate 3418, propose to change the p.o.d. therefrom, without loss of priority, to irrigate these lands from Pump No. 1 located 220 ft N & 220 ft W from the E $\frac{1}{4}$ Corner of Sec 1, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 1.

The certificate recorded at page 40410, Volume 32, said record, in the name of Preston & Lillian Lindhorst, describes a right which includes the use

of water from Fifteenmile Creek for irrigation of 3.2 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 1, T 2S, R 12E, WM, with a date of priority of 1875. Water for this right is diverted from a point located 220 ft N & 160 ft W from the E $\frac{1}{4}$ Corner of Sec 1, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 1.

The certificate recorded at page 20238, Volume 14, said record, in the name of Edgar N. Smith, describes a right for the use of not to exceed 0.06 cfs from Fifteenmile Creek for irrigation of 4.5 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 1, T 2S, R 12E, WM, with a date of priority of August 19, 1918. Water for this right is diverted, through the Haverly Ditch, from the point as located in par. (a) above.

The certificate recorded at page 6806, Volume 7, said record, in the name of Edgar N. Smith, describes a right for

the use of not to exceed 0.03 cfs from Fifteenmile Creek for irrigation of 0.5 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ & 1.25 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 1, T 2S, R 12E, WM, with a date of priority of May 5, 1926. Water for this right is diverted, through the Smith & Roberts Ditch, from the point as located in par. (f) above.

By transfer application No. 3895, the applicants herein, owners of the lands above described in certificates 40410, 20238 & 6806, propose to change the p.o.d. therefrom, without loss of priority, to irrigate these lands from Pump No. 2 as located in par. (aa) above.

All persons interested are notified hereby that a hearing will be held at the county courthouse at The Dalles, Oregon, on July 13, 1978, at 9:30 a.m. All objections to the proposed changes, if any there

are, will be heard at said time and place. Any and all objections shall be prepared in writing: one copy to be served on Preston & Lillian Lindhorst, Rt 1, Box 181, Dufur, OR 97021; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 15th day of May, 1978.
James E. Sexson
Director
May 23, 30, June 6, 1978
No. 2096

NOTICE OF WATER RIGHT TRANSFER APPLICATIONS

NOS. 3892, 3893, 3894 & 3895

Notice is hereby given that applications have been filed in the office of the Water Resources Director by Preston & 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 Nov. 17, 1921, for:

(2) Irrigation of 5.0 ac. in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 1, T 2S, R 12E, WM, by diversion of water through Haverly Ditch from a point of diversion located N 4 degrees 12' E, 228 ft from the SE Corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 1, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1.

(b) Irrigation of 2.95 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.77 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$ & 12.08 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1, by diversion of water, through

Affidavit of Publication

OF OREGON, } ss.
County of Wasco

Klea Espy

I, first duly sworn, depose and say that I am the principal publisher of The Dalles Chronicle, a newspaper of circulation, as defined by sections ORS 193.010 and Oregon Compiled laws, annotated; printed and published at The Dalles, in the aforesaid county and state, that the

Applications a printed copy of which is annexed, was published in the entire issue of said weeks per for Three successive and consecutive issues following issues: May 23, 30, June 6, 1978

subscribed and sworn to before me this

June 19, 1978

Notary Public for Oregon.

My Commission Expires July 31, 1980

Affidavit of Publication

STATE OF OREGON, }
County of Wasco } ss.

I, Klea Espy

being first duly sworn, depose and say that I am the principal clerk of the publisher of The Dalles Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020; Oregon Compiled laws, annotated; printed and published at The Dalles, in the aforesaid county and state, that the Notice of Water Rights

Transfer Applications a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for Three weeks successive and consecutive issues in the following issues: May 23, 30, June 6, 1978 ^{ok} ₁₀₁

RECEIVED
JUN 20 1978
WATER RESOURCES DEPT.
SALEM, OREGON

Klea Espy
6

Subscribed and sworn to before me this

day of June, 1978.

J. F. Weybright
Notary Public for Oregon.

My Commission Expires July 31, 1980