

3893 Lindhorst

Name Preston & Lillian Lindhorst

3893

By _____

Address Route 1, Box 181

Dufur Or. 97021

Change in P.O.D. & P.O.V

Date filed March 7, 1978

Date of hearing July 13, 1978

Place of hearing The Dalles

Date of order 9-15-78 Vol. 31, page 224

Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued NOV 13 1989 Vol. 53, page 62741

DESCRIPTION OF WATER RIGHT

Name of stream Fifteenmile Creek

Trib. of _____ County of Wasco

Use irrigation

Quantity of water _____ No. of acres 22.94

Name of ditch _____

Date of priority 1875

In name of Edgar N. Smith

Fifteenmile Adjudication, Vol. 7, page 431

App. No. _____ Per. No. _____ Cert. No. 20240

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-7-78</u>	<u>45.00</u>	<u>1430</u>
TOTAL . . .		
	<u>0</u> Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>exam 20⁰⁰</u>		
<u>P.O.D. 15⁰⁰</u>		
<u>P.O.V. 10⁰⁰</u>		
<u>45⁰⁰</u>		

REMARKS

Survey 5-6-83

to survey 12/79

finis - 8 Dec 89

W.R.I.S.	
Assembled <u>5-9-85</u> by <u>SIN</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	Name	<u>lgj</u>	
	Stream	<u>lgj</u>	
	Pt. of Div.		
	Calendar	<u>lgj</u>	
	CHECKED TO RECORDS		
	Twp. & Rge.	<u>lgj</u>	
	Decree-vault	<u>lgj</u>	
	Decree-safe	<u>lgj</u>	
	Cert. of W/R	<u>lgj</u>	
Per. Folder		<u>lgj</u>	
Chaindex			
Cross Ref.			
Power Claim			
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 & POINT OF DIVERSION OF)
WATER FROM FIFTEENMILE CREEK)

ORDER APPROVING
TRANSFER NO. 3893

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 20240, Volume 14, State Record of Water Right Certificates, 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:

(a) Irrigation of 5.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 2 South, Range 12 East, W.M., by diversion 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.

(b) Irrigation of 3.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.0 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 1, by diversion through Abnet Ditch, from a point of diversion located South 41 degrees, 41 minutes West, 1142 feet from the South Quarter Corner of Section 1, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 2 South, Range 12 East, W.M.

(c) Irrigation of 3.47 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.47 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1, by diversion of water through 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.

(d) Irrigation of 8.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1, 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.

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 the 5.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ as described in paragraph (a) above: Change from the point of diversion described in paragraph (a) above, to

V31, P224

to irrigate this land 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.

(bb) With reference to the 3.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ as 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 4.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1 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.

(cc) With reference to the 3.47 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.47 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ as described in paragraph (c) above, and with reference to the 8.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ as described in paragraph (d) above: Change from the points of diversion described in paragraphs (c) and (d) above, to irrigate these lands from Pump No. 2 as located in paragraph (bb) 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;

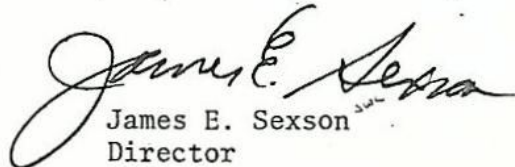
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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 in the certificate recorded at page 20240, 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 20240, 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

92
8776

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EDGAR N. SMITH of the County of Wasco, State of Oregon,

of the Dufur River, State of Oregon, has a right to the use of
 the waters of Fifteen Mile Creek
 for the purpose of Irrigation, Domestic and Stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wasco County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 7, at page 406; that the priority of the right thereby confirmed dates from 1875;

POD SENE, NE SE, SW SE

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed Three acre feet per acre in any irrigation season, and one-fortieth of one cubic foot per second for each one thousand head of stock, and a reasonable amount for domestic purposes.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

#1	#2	#3	
2.0	14.47		1.0 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ — 1.0 ac Abnet Ditch
1.47	14.47		11.97 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ — 3.47 Roberts Ditch — 8.5 ac Haverly Ditch
			1.47 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ — 1.47 Roberts Ditch
		5.0	8.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ — 8.5 ac Smith Ditch — 3.5 ac Abnet Ditch
			22.97 Section 1,
			T. 2 S., R. 12 E., W. M.

NOTE: Of the lands above described, 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ are irrigated through Smith Ditch No. 1; 3.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.0 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ through Abnet Ditch; 3.47 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.47 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ through Roberts Ditch; and balance through Haverly Ditch.

NOTE: This certificate is issued to confirm changes in place of use of water approved by Orders of the State Engineer entered March 12, 1936 and 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 5667, Volume 6, State Record of Water Right Certificates.

And said right shall be subject to all other conditions and limitations contained in said decree. 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, 1953.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 20240.

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

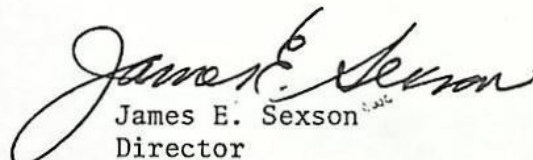
On September 7, 1978, Preston and Lillian Lindhorst submitted an affidavit that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question was allowed by Decree of Circuit Court for Wasco County, entered March 19, 1924, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Fifteenmile Creek, tabulated at page 431, Volume 7, Order Record of the Water Resources Director, in the name of Edgar N. Smith, and is a portion of the right described by the certificate recorded at page 20240, Volume 14, State Record of Water Right Certificates, and is for the use of water from Fifteenmile Creek, with a date of priority of 1875, for domestic and stock use within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and 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 20240, Volume 14, State Record of Water Right Certificates, is canceled.

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


James E. Sexson
Director