

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF GEORGE G. FAX FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM FIFTEENMILE CREEK)

ORDER APPROVING
TRANSFER NO. F-50

On December 18, 1963, George G. Fax of The Dalles, Oregon, 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 Nicholas Fax for the use of the waters of Fifteenmile Creek for stock and domestic purposes, with a date of priority of 1860, and for irrigation of 0.8 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.9 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 15.3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 1 South, Range 14 East, W. M., with a date of priority of 1872. The water is conveyed to these lands by means of the Fax Ditch, the point of diversion of said ditch being located 860 feet north and 1450 feet east from the southwest corner of Section 3, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 3, Township 1 South, Range 14 East, W. M.

The applicant herein, owner of the lands above described, proposes to change his point of diversion for domestic and stock purposes to a point to be located 100 feet south and 1680 feet west from the E $\frac{1}{2}$ corner of Section 3, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 3, Township 1 South, Range 14 East, W. M., and to irrigate his lands by means of a portable pumping plant to be located between two points as follows: 870 feet north and 1080 feet west from the S $\frac{1}{2}$ corner of Section 3, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 3 and

850 feet north and 450 feet west from the E $\frac{1}{2}$ corner of Section 3, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 3, Township 1 South, Range 14 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 changes in points of diversion of water, if any there were, namely: at the County Courthouse in The Dalles, Oregon, on April 2, 1964, at 9:30 o'clock a.m. The notice was published in The Dalles Optimist, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of February 6, 13 and 20, 1964. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Larry W. Jebousek, Watermaster of District No. 3, has filed a report to the effect that the proposed changes in points of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in points of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in points of diversion of water from Fifteenmile Creek, to-wit:

From a point located 860 feet north and 1450 feet east from the southwest corner of Section 3, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 3, Township 1 South, Range 14 East, W. M.

To a point to be located 100 feet south and 1680 feet west from the E $\frac{1}{2}$ corner of Section 3, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 3, Township 1 South, Range 14 East, W. M.

for domestic and stock purposes, with a date of priority of 1860, and to a portable pumping plant to be located between two points as follows:

870 feet north and 1080 feet west from the S $\frac{1}{2}$ corner of Section 3, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 3, Township 1 South, Range 14 East, W. M., and

850 feet north and 450 feet west from the E $\frac{1}{2}$ corner of Section 3, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 3,

for the irrigation of 0.8 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.9 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 15.3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 1 South, Range 14 East, W. M., with a date of priority of 1872, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the changes in points of diversion of water made on or before October 1, 1965, 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 that is available at the old point of diversion.

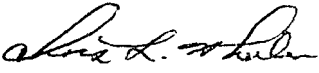
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices.

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 before the beginning of construction and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 5th day of May, 1964.

Noted on Record
Vol. 7 p. 424
Co. # 5630


CHRIS L. WHEELER
State Engineer