

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 PLACE OF USE OF WATER  
FROM FIFTEEN MILE CREEK  
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ORDER APPROVING  
TRANSFER NO. 2790

On April 17, 1973, George G. Fax filed an application in the office of the State Engineer for the approval of a change in place of use 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 to the Use of the Waters of Fifteen Mile Creek and its Tributaries, a water right was established in the name of Nicholas Fax for the use of the waters of Fifteen Mile Creek for the irrigation of, among other lands, 2.5 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, Township 1 South, Range 14 East, W.M., with a date of priority of 1872, as evidenced by certificate of water right recorded at page 5630, Volume 6, State Record of Water Right Certificates. These lands are irrigated by portable pumping from a point of diversion located between points: 3980 feet South and 1540 feet East from the NW corner of Section 3, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, and 930 feet South and 5170 feet East from the NW corner of Section 3, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 3, Township 1 South, Range 14 East, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 1.9 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 0.6 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 3, Township 1 South, Range 14 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. William I. Porfily, Watermaster of District No. 3, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

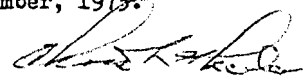
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.5 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, Township 1 South, Range 14 East, W.M., with a date of priority of 1872, be severed therefrom and simultaneously and without loss of priority transferred to 1.9 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 0.6 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 3, Township 1 South, Range 14 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to Nicholas Fax and recorded at page 5630, 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 application of water to beneficial use, a certificate of water right shall be issued to George G. Fax confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 17th day of December, 1973.

  
CHRIS L. WHEELER  
State Engineer