

2790 George Fax
Rt 3, Box 32
The Dalles, Ore 97058

2790

STATUS OF APPLICATION

Change in ~~Use~~ Place of Use
Date filed April 17, 1973
Date of hearing _____
Place of hearing _____
Date of order 12-17-73 Vol. 23, page 447
Date for application of water 10-1-74
Proof mailed JAN 26 1977
Proof received _____
Certificate issued MAY 24 1974 Vol. 32, page 40409
APR 15 1977 Vol. 36 44332

DESCRIPTION OF WATER RIGHT

Name of stream 15-mile Creek
Trib. of _____ County of Wasco
Use Irrigation
Quantity of water _____ No. of acres 25
Name of ditch Rice ditch
Date of priority 1872
In name of Nicholas Fax
Fifteenmile Creek Adjudication, Vol. 7, page 424
App. No. _____ Per. No. _____ Cert. No. 5630
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-17-73</u>	<u>20.00</u>	<u>33336</u>
TOTAL . . .	<u>3.00</u> Cert. Fee	<u>36444</u>
<u>9-5-73</u>		
<u>3/3/77</u>	<u>\$2.00</u>	<u>58746</u>

FEES REFUNDED

Date	Amount	Check No.
<u>5/18/77</u>	<u>\$1.50</u>	<u>1337</u>

REMARKS

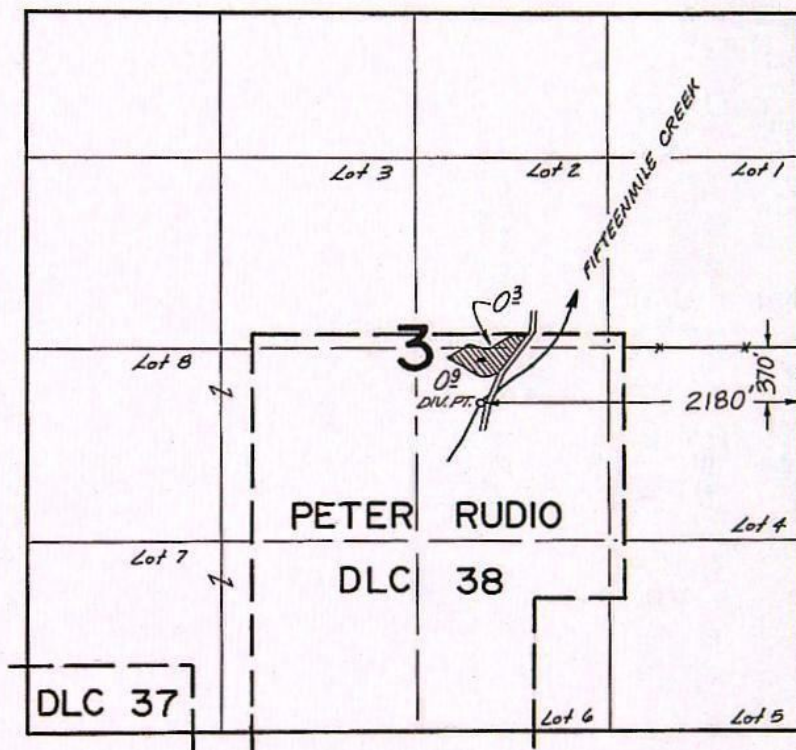
See trsf. F-50 S.D. VI.13 p 334

INDEX CARDS:

	Entered	Checked
___ Name	<u>WH</u>	___
___ Stream	<u>WH</u>	___
___ Pt. of Div.	___	___
___ Calendar	<u>WH</u>	___
CHECKED TO RECORDS:		
___ Twp. & Rge.	<u>WAE</u>	___
___ Decree-vault	<u>WAE</u>	___
___ Decree-sale	<u>WAE</u>	___
___ Cert. of W.R.	<u>WAE</u>	___
___ Per. Folder	___	___
___ Chainindex	___	___
___ Cross Ref.	___	___
___ Power Claim	___	___
___ Abstracts	___	___

653

T.I.S. R.14E.W.M.



FINAL PROOF SURVEY

UNDER

Transfer No. 2790

Application No. _____ Permit No. _____
IN NAME OF _____

GEORGE G. FAX

Surveyed JUNE 6, 1975, by R.G. MUCKEN...

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That NICHOLAS FAX

of The Dalles, State of Oregon, 97058, has a right
to the use of the waters of
Fifteen Mile Creek
a tributary of Columbia River for the purpose of
irrigation of 30.3 acres, 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 1872 (1860 for domestic and stock)

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.

The point of diversion is located in the NW 1/4 SE 1/4, as projected within Rudio DLC 38, Section 3,
T. 1 S., R. 14 E., W. M., for domestic and stock; NE 1/4 NE 1/4, Lot 1 (SE 1/4 NE 1/4), NE 1/4 SW 1/4,
SE 1/4 SW 1/4, both as projected within Rudio DLC 38, Lot 4 (NE 1/4 SE 1/4), NE 1/4 SE 1/4, NW 1/4 SE 1/4, both
as projected within Rudio DLC 38, Section 3, T. 1 S., R. 14 E., W. M., for irrigation *

A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

0.8 acre SW 1/4 NE 1/4
6.5 acres SE 1/4 NE 1/4
2.9 acres NE 1/4 SW 1/4
2.3 acres SE 1/4 SW 1/4
2.5 acres NE 1/4 SE 1/4
15.3 acres NW 1/4 SE 1/4

Section 3

T. 1 S., R. 14 E., W. M.

An order of the State Engineer entered May 5, 1964, approved a change in point of
diversion for irrigation, domestic, and stock, subsequently, an order of the State
Engineer entered December 17, 1973, approved a change in place of use for the irri-
gation of 2.5 acres. This certificate is issued to confirm the changes in points of
diversion and to confirm the remaining right and supersedes the certificate heretofore
issued to Nicholas Fax and recorded at page 5630, State Record of Water Right Certifi-
cates.

* (portable pumping between points 930 feet South and 5170 feet East, and 3980 feet
South and 1540 feet East from the NW Corner, Section 3.)

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 date May 24, 1974.

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 32, page 40409

Superseded by

Cert. No. 40409Spec. Or. V. 23, p. 447

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

Rt 3 Box 32 This is to Certify, That **George G. NICHOLAS FAX**
 of **The Dalles**, State of **Oregon** has a right to the use of
 the waters of **Fifteen Mile Creek Trib Columbia R**
 for the purpose of **the Irrigation, domestic and stock of 1.2 acres**

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 **1872 (1860 for domestic and stock)**.

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:

~~Eight tenths (0.8) acres in the Southwest Quarter of the Northeast Quarter
 (SW $\frac{1}{4}$ NE $\frac{1}{4}$); Six and five tenths (6.5) acres in the Southeast Quarter of the North-
 east Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$); Two and nine tenths (2.9) acres in the Northeast Quarter
 of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); Four and eight tenths (4.8) acres in the South-
 east Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$); Two and five tenths (2.5) acres
 in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) and Fifteen and three
 tenths (15.3) acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
 of Section Three (3), Township One (1) South, Range Fourteen (14) East of the Willa-
 mette Meridian, being a total of 32.8 acres.~~

Ch. 11, p. 447Spec. Or. V. 23, p. 44725 as Tr. 3 Sp. Or. V. 23, p. 447

0.3 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.9 " NW $\frac{1}{4}$ SE $\frac{1}{4}$
both as projected within Peter Rudis DLC 38
Sec 3
T 15 R 14 E W 1 M

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 irrigation purposes is restricted to the lands or place
 of use herein described.

This certificate is issued to confirm a change in place of use and point of diversion

approved by an order of the Water Resources Director entered Dec 17 1973,
 together with certificate 40409
 and supersedes certificate of water right issued to 5630

RHEA LUPER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5630

P.O.D.: NW $\frac{1}{4}$ SE $\frac{1}{4}$ within Peter Rudis DLC 38 Sec 3
 T 15 R 14 E W 1 M; 370' S, 2180' W from the E cor Sec 3

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This is to Certify, That NICHOLAS FAX

of The Dalles, State of Oregon has a right to the use of

the waters of Fifteen Mile Creek
for the purpose of Irrigation, ^{of 30.3 acres} 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 1872 (1860 for domestic and stock)

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:

(NO DIV. PT. LOC)

Eight tenths (0.8) acres in the Southwest Quarter of the Northeast Quarter
 (SW $\frac{1}{4}$ NE $\frac{1}{4}$); Six and five tenths (6.5) acres in the Southeast Quarter of the North-
 east Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$); Two and nine tenths (2.9) acres in the Northeast Quarter
 of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); Four and eight tenths (4.8) acres in the South-
 east Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$); Two and five tenths (2.5) acres
 in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) and Fifteen and three
 tenths (15.3) acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
 of Section Three (3), Township One (1) South, Range Fourteen (14) East of the Willa-
 mette Meridian, being a total of 32.8 acres.

Ch. & t. of Div.
 Spec. Or. V. 13, p. 334

0.8 SW $\frac{1}{4}$ NE $\frac{1}{4}$
 6.5 SE $\frac{1}{4}$ NE $\frac{1}{4}$
 2.9 NE $\frac{1}{4}$ SW $\frac{1}{4}$
 2.3 SE $\frac{1}{4}$ SW $\frac{1}{4}$
 2.5 NE $\frac{1}{4}$ SE $\frac{1}{4}$
 15.3 NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 3

TIS R14E W04

An order of the State Engineer entered Dec 17 1973, approves a change
 in Place of use for the irrigation of 2.5 acres. This certificate is
 issued to confirm the remaining right and supersedes the certificate heretofore
 issued to Nicholas Fax and recorded at page 5630, State Record of
 Water Right Certificates.

RUEA LUPER
 State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5630

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That NICHOLAS FAX

of The Dalles, State of Oregon, 97058, has a right
to the use of the waters of Fifteen Mile Creek

a tributary of Columbia River for the purpose of
irrigation of 30.3 acres, 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 1872 (1860 for domestic and stock)

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.

The point of diversion is located in the
for domestic and stock.

*nw 1/4 SE 1/4 up in Radio OLC 38, Sec 3 T1S R14E W4 -
SE 1/4 SW 1/4 Sec 3 T1S R14E W4 for irrigation
NE 1/4 NE 1/4, Lot 1 (SE 1/4 NE 1/4), NE 1/4 SW 1/4
SE 1/4 SW 1/4 both as projected up in Radio OLC 38, Lot 4 (NE 1/4 SE 1/4), NE 1/4 SE 1/4
NW 1/4 SE 1/4 both as projected up in Radio OLC 38, Sec 3, T1S R14E, for
irrigation. (Possible pumping between points)*

A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

0.8 acre SW 1/4 NE 1/4
6.5 acres SE 1/4 NE 1/4
2.9 acres NE 1/4 SW 1/4
2.3 acres SE 1/4 SW 1/4
2.5 acres NE 1/4 SE 1/4
15.3 acres NW 1/4 SE 1/4

*930 ft 8 1/2 5170 ft E
and 3980 ft S
1540 ft E from
the NW Cor Sec 3*

Section 3

T. 1 S., R. 14 E., W. M.

may 5, 1964 " d " " " Point of Diversion
An order of the State Engineer entered December 17, 1973, approves a change in *for irrigation,
place of use for the irrigation of 2.5 acres. This certificate is issued to domestic &
confirm the remaining right and supersedes the certificate heretofore issued to stock,
Nicholas Fax and recorded at page 5630, State Record of Water Right Certificates. Subsequently*

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 date May 24, 1974.

State Engineer

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

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.

/s/ CHRIS L. WHEELER
State Engineer