UNDERHILL

. 010

3678

STATUS OF APPLICATION



Name of stream Fifteen mile Creek Trib. of County of Wasco Use irrightion Quantity of water No. of acres Name of ditch Strachan Date of priority In name of *Correctrice decree Vol. 18, Page 3 Fifteenmile* Co. Adjudication, Vol. 7, page 430 App. No. Per. No. Certificate cancelled Notation made on record by

DESCRIPTION OF WATER RIGHT

FEES PAID Date Amount Receipt No. 5-19-77 \$95.00 60632 3-29-79 5⁻ 9947 TOTAL OCert. Fee 0 The Datke Chronicle \$55.00 pd 2/14/179 cd \$3069 3069

FEES REFUNDED



INDEX CARDS: Checke V Name J Stream Pt. of Div. Calendar CHECKED TO RECORDS Two, & Bare. Decree-vault C Decreasife Cert of W/R Per. Folder Chaindex Cross Ref. Power Claim ___ Abstracts

REMARKS

Note: remaining right involved in T-3934 (8.0 ac - William Huler)

T.IS. RIJE. W.M.



DIV. PT. Loc: 1620' S. & 30'E. fr. N.W. COR. SEC. 34.

FINAL PROOF SURVEY

Transfer No. T-3678 Application No. Permit No. IN NAME OF

GENE UNDERHILL

Surveyed June 26. 19.79, by .C. L. HUGHES

1	Court-21811-59-7-22				
the	WS				
Dig	STATE OF OREGON				
non	COUNTY OF				
5791	CERTIFICATE OF WATER RIGHT				
11	This is to Certify, That GENE UNDERHILL				
Cree	of				
134	the waters of Fifteen Mile Creek Art Columbia River				
S F	for the purpose of Irrigation of 158.7 acres				
K.s	and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for County and the said decree entered of record at Salem, in the Order				
34	Record of the STATE ENGINEER, in Volume , at page ; that the priority				
Sec	1865 for Tract/#1 and 1856 for Tract/#2;				
WW.	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				
SWI					
50,05	acre in any irrigation season; if available at the original points of diversion; NWISE Sec 32, NESW Sec 33 TIS RIZE WM. Stracham Ditch-1720'N & 1830'W, Signam D. tab-2480'N & 2250'E for both from SW cor Sec 33 A description of the lands irrigated under such right, and to which the water is appurtenant				
ec 3	(or, if for other purposes, the place where such water is put to beneficial use), is as follows:				
W S	(us proj. within Henderson OLC 37) Sec 24, TIS., RISE W.M. Tract #1.				
NE SW 2480'N	Now Four tenths (0.4) agree in the Northeast Quarter of the Northeast Quarter (FEINEL), Ten and one tenth (10.1) acres in the Southwest Quarter of the Northeast Quarter				
	6 east Quarter (SELVEL) of Section Thirty-three (33). One and three tenths (1.3)				
	acres in the Northwest Quarter of the Northwest Quarter (NW1NW2), One and seven tenths (1.7) acres in the Southwest Quarter of the Northwest Quarter (SW1NW2) and				
ia	One and three tenths (1.3) acres in the Southeast Quarter of the Northwest Quarter (SEiNW2) of Section_Thirty-four (34), Township One (1) South, Range Thirteen (13)				
	East of the Willamette Meridian, being a total of 32.4 acres.				
1	Tract #2. One and six tenths (1.6) acres in the Northeast Quarter of the Northwest Quarter (N21NW1). Thirty-eight and three tenths (38.3) acres in the Southwest Quarter of				
1	(N21NW1). Thirty-eight and three tenths (38.3) acres in the Southwest Quarter of the Northwest Quarter (SW2NW1), Eleven and seven tenths (11.7) acres in the South- east Quarter of the Northwest Quarter (SE2NW2) and three and four tenths (3.4)				
10	acres in the Northwest Quarter of the Southwest Quarter (NW1SW1) of Section Thirty- four (34);nFourteen and two tenths (14-2) acres in the Southwest Quarter of the				
L	Northeast Quarter (SWANDA), Twenty-four and six tenths (24.6) acres in the Southeast Quarter of the Northeast Quarter (SEANEA), Five and four tenths (5.4) acres in the				
	Southeast Quarter of the Northwest Quarter (SELING), Four and four tenths (4.4) acres in the Northeast Quarter of the Southwest Quarter (NELSW2), Fourteen (14) acres in the Northeast Quarter of the Southeast Quarter (NELSE2) and Sixteen and				
	seven tenths (16.7) acres in the Northwest Quarter of the Southeast Quarter (NW4SE4) of Section Thirty-three (33), Township One (1) South, Range Thirteen (13) East of				
	the Willamette Meridian, being a total of 134.3 acres.				
	This certificate is issued to confirm changes in points of diver-				
	the we approved by an order of the WEL				
-	March 30, 1979 and together with the order approving				
+	transfer applies tim No. 3934 supersedes certificate of water				
2	right recorded at page 5665 Vol 6 SRWRC				
	The issuance etc				
	C- 49488				

5 Place of use Tract-No.1 F7.6 acres Lot 6 (NESE) 13.3 NESE W/m Handerson DLC 37 Sec 33 0.1 acre HESH WIM Henderson DLC 37 2.4 Lot3 (NESW) Lot 4 (NW SW) 11.0 Sec 34 TIS RIJE WM Tract No. 2. 18.5 acres SWINE 19.2 SENE 6.5 SENW 2.5 NESW + 15.7 NESE 17.8 NWSE Sec 33 NENW 0.2 33,4 SWNW

SENW

NESW

NWSW

TIS RIBE WM

M. ...

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Sec 34

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION) OF GENE UNDERHILL FOR APPROVAL OF) CHANGES IN PLACE OF USE AND POINT) OF DIVERSION OF WATER)

ORDER APPROVING TRANSFER NO. 3678

131,0746

On May 19, 1977, an application was filed in the office of the Water Resources Director by Gene Underhill 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.

As modified in accord with the provisions of the decree of the Circuit Court for Wasco County, Oregon entered July 3, 1978, the right previously described by certificate recorded at page 5665, Volume 6, State Record of Water Right Certificates, now exists for use of water from Fifteenmile Creek for irrigation of, among other lands, a certain 0.1 acre in NE4 NE4, 5.6 acres in SW4 NE4, 8.9 acres in SE4 NE4 of Section 33; 1.0 acre in NE4 NW4, 3.8 acres in NW4 NW4, 4.6 acres in SW4 NW4 and 0.4 acres in SE4 NW4 of Section 34, with a date of priority of 1885; and for irrigation of 18.5 acres in SW4 NE4, 19.2 acres in SE4 NE4, 6.5 acres in SE4 NW4, 2.5 acres in NE4 SW4, 15.7 acres in NE4 SE4, 17.8 acres in NW4 SE4 of Section 33; 0.2 acre in NE4 NW4, 33.4 acres in SW4 NW4, 12.7 acres in SE4 NW4, 0.5 acre in NE4 SW4 and 7.3 acres in NW4 SW4 of Section 34, with a date of priority of 1856, all within Township 1 South, Range 13 East, W.M.

Water for said right is diverted through the Strachan Ditch from a point located 1720 feet North and 1830 feet West from the Southwest Corner of Section 33, being within the NW4 SE4 of Section 32, Township 1 South, Range 13 East, W.M.; and through the Sigman Ditch from a point located 2480 feet North and 2250 feet East from the Southwest Corner of Section 33, being within the NE4 SW4 of Section 33, Township 1 South, Range 13 East, W.M.

The applicant herein proposes to change the place of use of water for said right with the priority date of 1885 and, without loss of priority, to irrigate in lieu thereof a certain 9.0 acres in NE¹/₄ SE¹/₄ of Section 33; 3.8 acres in NE¹/₄ SW¹/₄ and 11.6 acres in NW¹/₄ SW¹/₄ of Section 34, Township 1 South, Range 13 East, W.M.

The applicant herein also proposes to change from the point of diversion for

Strachan Ditch, without loss of priority, to a pump site located 1550 feet South and 430 feet East from the Northwest Corner of Section 34, being within the SW4 NW4 of Section 34, Township 1 South, Range 13 East, W.M., to be used together with the point of diversion for Sigman Ditch for irrigation of the lands under the entire right as described 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 January 9, 16 and 23, 1979.

Mr. Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed change 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 point of diversion, together with that diverted through the Sigman Ditch, shall not exceed the quantity of water available at the original 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 NO time need be fixed for completion as the changes in place of use and point of diversion are completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 5665, Volume 6, 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 applicant herein. Dated at Salem, Oregon this 30th day of March, 1979.

James E. Sexson

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spira

	RECEIVED		
1	IN THE CIRCUIT COURT OF THE STATE OF OREGON		
2	FOR THE COUNTY OF WASCO SALEM, OREGON		
3	FOR THE COUNTY OF WASCO In the Matter of the Water Rights of GENE UNDERHILL, IN THE MATTER OF THE CORRECTION OF CERTAIN WATER RIGHTS RECORDED IN THE NAME OF MELVIN SIGMAN, TO THE WATER OF 15 MILE CREEK		
4	GENE UNDERHILL,) No. 11904 LF.		
5	GENE ONDERHILL, NO. THOM JULS D		
6	Petitioner,) La Porta 1978		
7	IN THE MATTER OF THE)		
	RIGHTS RECORDED IN THE)		
8	THE WATER OF IS MILE CREEK, 7		
9	A TRIBUTARY OF THE COLUMBIA) RIVER, SAID CREEK BEING)		
10	LOCATED IN WASCO COUNTY,) STATE OF OREGON AND SAID)		
11	RIGHTS HAVING BEEN PREVIOUSLY)		
12	DETERMINED BY DECREE OF) CIRCUIT COURT DATED)		
13	MARCH 19, 1924.)		
14	This matter came to be heard before this Court upon the		
15	petition of GENE UNDERHILL to correct the decree entered in		
16	connection with the adjudication of water rights to Fifteen		
17	Mile Creek, a tributary of the Columbia River, dated March		
18	19, 1924. As shown by the petition and affidavit on file		
19	herein, an error in description was made, necessitating a		
20	change in said decree. The Court having reviewed said		
21	petition and affidavit as they appear on file herein, and it		
22	appearing that an erroneous description has been shown as to		

the place of use of said water rights, and it further appearing

that the said adjudicated water rights have always been used

and applied upon the acreage as described below, and it

PHIPPS, DUNN & MOBLEY ATTORNEYS AT LAW 112 WEST FOURTH STREET THE DALLES, OREGON 97058 (503) 296-5424

Page

1 - ORDER

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further appearing that the description should be conformed to the facts presented to the Court, the Court having jurisdiction to correct said description, and being fully advised,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the decree in the above entitled proceedings dated March 19, 1924 be, and it now hereby is corrected and amended in the following particulars:

8 1. The following is hereby stricken from the original 9 decree dated March 19, 1924, on file in the office of the 10 Clerk of Wasco County, relative to the adjudication of 11 water rights to Fifteen Mile Creek, a tributary of the 12 Columbia River, with description of place of use as follows:

Those water rights with a relative date of priority of 1856, situated in Township 1 South, Range 13 East of the Willamette Meridian in Section 33, being 14.2 acres in the Southwest guarter of the Northeast guarter; 24.6 acres in the Southeast quarter of the Northeast quarter; 5.4 acres in the Southeast quarter of the Northwest quarter; 4.4 acres in the Northeast quarter of the Southwest quarter; 14.0 acres in the Northeast quarter of the Southeast quarter; 16.7 acres in the Northwest quarter of the Southeast quarter; and in Section 34, Township 1 South, Range 13 East of the Willamette Meridian, 1.6 acres in the Northeast guarter of the Northwest quarter; 38.3 acres in the Southwest quarter of the Northwest guarter; 11.7 acres in the Southeast quarter of the Northwest guarter; 3.4 acres in the Northwest quarter of the Southwest quarter, a total of 134.3 acres. Further, these water rights with a date of relative priority of 1885, in Section 33, being 0.4 acres in the Northeast quarter of the Northeast quarter; 10.1 acres in the Southwest quarter of the Northeast quarter; 9.6 acres in the Southeast quarter of the Northeast quarter; and in Section 34, 1.3 acres in the Northeast quarter of the Northwest quarter; 1.7 acres in the Southwest guarter of the Northwest guarter; 1.3 acres in the Southeast quarter of the Northwest quarter,

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and the William L. Hulse water right, being 8.0 acres in the Northwest quarter of the Northwest quarter, all in Township 1 South, Range 13 East of the Willamette Meridian, a total for the 1885 water right of (34.4) ^{32.4} acres, the total for the two water rights being 166.7 acres.

2. Added in lieu of the foregoing is the following

description of place of use:

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In Township 1 South, Range 13 East of the Willamette Meridian, under a relative priority date of 1856, in Section 33, 18.5 acres in the Southwest quarter of the Northeast quarter; 19.2 acres in the Southeast quarter of the Northeast quarter; 6.5 acres in the Southeast quarter of the Northwest quarter; 2.5 acres in the Northeast quarter of the Southwest quarter; 15.7 acres in the Northeast quarter of the Southeast quarter; 17.8 acres in the Northwest quarter of the Southeast quarter; and in Section 34, Township 1 South, Range 13 East of the Willamette Meridian, 0.2 acres in the Northeast quarter of the Northwest quarter; 33.4 acres in the Southwest quarter of the Northwest quarter; 12.7 acres in the Southeast quarter of the Northwest quarter; 0.5 acres in the Northeast quarter of the Southwest quarter; and 7.3 acres in the Northwest quarter of the Southwest quarter, a total of 134.3 acres. Further, those water rights with a date of relative priority of 1885, in Section 33, being (0.1) acres in the Northeast quarter of the Northeast quarter; (5,6) acres in the Southwest quarter of the Northeast quarter; (8.9) acres in the Southeast guarter of the Northeast guarter; and in Section 34, 1.0 acres in the Northeast quarter of the Northwest quarter; 3.8 acres in the Northwest quarter of the Northwest quarter; (4.6) acres in the Southwest quarter of the Northwest quarter; 0.4 acres in the Southeast quarter of the Northwest quarter; and the William F. Hulse water right, being [8.0] acres of the Northwest guarter of the Northwest guarter, for a total 1885 water right of 34-4 acres, and a total water right of 166.7 acres, all in Township 1 South, Range 13 East of the Willamette Meridian in Wasco County, Oregon. July

23 Dated this 3 day of May, 1988 24 CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT. SUL A. PROTHN County Clerk Circ 25 By. Page ORDER DATED

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Affidavit of Publication

ounty of Wasco 1 ss. I, Ruth Myers

SS.

OF OREGON,

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

 ublic Notice - Water right transfer application

 a printed copy of which is

 hereto annexed, was published in the entire issue of said

 Three
 weeks

 newspaper for______successive and consecutive issues

 in the following issues:
 Jan. 9, Jan. 16, & Jan 23, 1979

Lits myers

Subscribed and sworn to before me this____ mary , 19

Notary Public for) Oregon.

Public Notice

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3678

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Gene Underhill 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.

As modified in accord with the provisions of the Decree of the Circuit Court for Wasco County, OR, entered July 3, 1978, the right previously described by certificate recorded at page 5665, Volume 6, State Record of Water Right Certificates, now exists for use of water from Fifteenmile Cr. for irrigation of, among

other lands, 0.1 ac in NE¹/₄ (G C) NE¹/₄, 5.6 in SW¹/₄ NE¹/₄, 8.9 ac in SE¹/₄ NE¹/₄ of Sec 33; 1.0 ac in NE¹/₄ NW¹/₄, 3.8 ac in NW¹/₄ NW¹/₄, 4.6 ac in SW¹/₄ NW¹/₄ and 0.4 ac in SE¹/₄ NW¹/₄ of Sec 34, with a date of priority of 1885; and for irrigation of 18.5 ac in SW¹/₄ NE¹/₄, 19.2 ac in SE¹/₄ NE¹/₄, 6.5 ac in SE¹/₄ NW¹/₄, 2.5 ac in NE¹/₄ SW¹/₄, 15.7 ac in NE¹/₄ SE¹/₄, 17.8 ac in NW¹/₄ SE¹/₄ of Sec. 33; 0.2 ac in NE¹/₄ NW¹/₄, 12.7 ac in SE¹/₄ NW¹/₄, 0.5 ac in NE¹/₄ SW¹/₄ and 7.3 ac. in NW¹/₄ SW¹/₄ of Sec. 34, with a date of priority of 1856, all within T 1S, R 13E, WM.

W

Water for said right is diverted through the Strachan Ditch from a point located 1720 ft N & 1830 ft W from the SW Corner of Sec 33, being within the NW¼ SE¼ of Sec 32, T 1S, R 13E, WM; and through the Sigman Ditch from a point located 2480 ft N & 2250 ft E from the SW Corner of Sec 33, being within the NE¼ SW¼ of Sec 37 T 1S R 13E WM

Sec 33, T 1S, R 13E, WM. The applicant herein proposes to change the place of use of water for said right with the priority date of 1885 and, without loss of priority, to irrigate in lieu thereof a certain 9.0 ac in NE¼ SW¼ of Sec 33; 3.8 ac in NE¼ SW¼ of Sec 34, T 1S, R 13E, WM.

V56

The applicant herein also proposes to change from the point of diversion for Strachan Ditch, without loss of priority, to a pump site located 1550 ft S & 430 ft E from the NW Corner of Sec 34, being within the SW¹4 NW¹4 of Sec 34, T IS, R 13E, WM, to be used together with the point of diversion for Sigman Ditch for irrigation of the lands under the entire right as described above.

All persons interested are notified hereby that a hearing will be held at the county courthouse at The Dalles, Oregon, on March 1, 1979, 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 Gene Underhill, Dufur, OR 97021; and one copy filed with the Water Resources Dept., 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 AP-PLICATION MAY BE AP-PROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Dept. upon request.

Dated at Salem, Oregon this 3rd day of January, 1979. James E. Sexson Director

Jan. 9, 16 & 23, 1979 No. 2408

Affidavit of Publication

STATE OF OREGON, County of Wasco { ss.

Ruth Myers

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 Public Notice - Water right transfer application a printed copy of which is hereto annexed, was published in the entire issue of said Three weeks

newspaper for_____successive and consecutive issues

in the following issues: Jan. 9, Jan. 16, & Jan 23, 1979

nyers

Subscribed and sworn to before me this__

"mannan "

day of

19_ Notary Public for) Oregon.

My Commission Expires July 31, 1980

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