

BEFORE THE STATE ENGINEER OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF MABEL E. WITHYCOMBE FOR THE)
APPROVAL OF A CHANGE IN POINTS OF)
DIVERSION AND PLACES OF USE OF WATER)
FROM NORTH POWDER RIVER.)
-----)

ORDER APPROVING APPLICATION

On June 14, 1938, Mabel E. Withycombe filed an application for the approval of a change in points of diversion and places of use of water from North Powder River.

By decree of the court for Union County, dated May 1, 1916, a water right was recognized in the name of Clayton Coleman for the irrigation of, among other lands, 30 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 7 South, Range 38 East, W.M., with date of priority of 1906, through the Mansfield Ditch, the point of diversion of such ditch being located 10 feet south and 320 feet west from the northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 7 South, Range 38 East, W.M. The applicant proposes to transfer said water right to 30 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 7 South, Range 38 East, W.M., and to convey the water for the irrigation of such lands through the Hearing-Angel Ditch, the point of diversion of such ditch being located 20 feet north and 456 feet west from the southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 7 South, Range 38 East, W. M.

Certificate of Water Right No. 3948 was issued to Mabel E. Withycombe confirming an appropriation under Permit No. 4356 for the irrigation of 32 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 7 South, Range 38 East, W. M., with date of priority of July 2, 1919, through the Hearing-Angel Ditch, the point of diversion of such ditch being described above. It is proposed to transfer said water right to 32 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 7 South, Range 38 East, W.M., and to convey the water for the irrigation of such lands through the Mansfield Ditch, the point of

diversion of such ditch being described above.

Notice by publication as provided by Section 47-712 Oregon Code 1930, was given in the Baker Democrat-Herald, in the issues of June 20 and 27, and July 5 and 11, 1938.

No objections having been filed, it appears that such change in points of diversion and places of use may be made without injury to existing rights.

NOW, THEREFORE, it is hereby ORDERED that the proposed change in points of diversion and places of use of water from North Powder River be and the same is hereby APPROVED and that the water rights hereinbefore described as appurtenant to 30 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 7 South, Range 38 East, W.M., with date of priority of 1906 through the Mansfield Ditch, the point of diversion of said ditch being located 10 feet south and 320 feet west from the northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 7 South, Range 38 East, W.M. be transferred to 30 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, Township 7 South, Range 38 East, W.M. and to convey the water for the irrigation of such lands through the Hearing-Angel Ditch, the point of diversion of such ditch being located 20 feet north and 456 feet west from the southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, Township 7 South, Range 38 East, W.M. and that the water right hereinbefore described as appurtenant to 32 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, Township 7 South, Range 38 East, W.M., with date of priority of July 2, 1919, through the Hearing-Angel Ditch, the point of diversion of such ditch being described above, be transferred to 32 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, Township 7 South, Range 38 East, W.M. and to convey the water for the irrigation of such lands through the Mansfield Ditch, the point of diversion of such ditch being described above.

IT IS FURTHER ORDERED that complete application of water to beneficial use on such lands be made on or before October 1, 1939, or such extension of time as may be granted by the State Engineer for good cause shown.

IT IS FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use upon the lands to which the water rights are transferred hereby, certificates shall be issued to Mabel E. Withycombe, and that the certificates of water right heretofore issued to said Clayton Coleman and Mabel E. Withycombe, recorded in State Record of Water Right Certificates, page 1454, Volume 2, and at page 3948, Volume 5, respectively, shall be cancelled.

Dated at Salem, Oregon, this 23rd day of August, 1938.

Chas. E. Stricklin
CHAS. E. STRICKLIN
State Engineer

Notations made on

** Cert. 1454 and Decree
Vol. 3 p. 256*

** Also Cert. 3948*

** superseded by 13545
13546*

xv " " 13548

It is FURTHER ORDERED that the time limit for complete application of water to beneficial use hereby is extended to December 31, 1941.

Dated at Salem, Oregon, this 5th day of September, 1938.

Chas. E. Stricklin
CHAS. E. STRICKLIN
State Engineer