

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)
OF CARLYLE WOODLEY FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM DIXIE CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. W-135

On June 12, 1968, Carlyle Woodley filed an application for himself and E. K. Blair and Elmer and Virginia Lippert in the office of the State Engineer for the approval of a change in point of diversion of water from Dixie Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River and Its Tributaries, a water right was established in the name of William J. Hughes for the use of the waters of Dixie Creek for the irrigation of 1.0 acre in NW¼ SW¼, being in Lots 15 and 16, Block 10, and Lots 3 to 8, Block 11, within Cleave and Cozart's Addition to Prairie City, Oregon, Section 2, Township 13 South, Range 33 East, W.M., with a date of priority of 1894. These lands are irrigated by means of the Cozart Ditch, the point of diversion being located 510 feet East from the NW corner of SW¼ NW¼ of Section 2 being within the SW¼ NW¼ of Section 2, Township 13 South, Range 33 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Cozart Ditch from a point to be located 70 feet North and 260 feet East from the W¼ corner of Section 2 being within the SW¼ NW¼ of Section 2, Township 13 South, Range 33 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Wayne J. Overcash, Watermaster of District No. 4, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed point of diversion of water may be established without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Dixie Creek, to-wit:

From a point located 510 feet East from the NW corner of SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 13 South, Range 33 East, W.M.

To a point to be located 70 feet North and 260 feet East from the W $\frac{1}{4}$ corner of Section 2 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 13 South, Range 33 East, W.M.

for the irrigation of 1.0 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ being in Lots 15 and 16, Block 10, and Lots 3 to 8, Block 11, within Cleave and Cozart's Addition to Prairie City, Oregon, Section 2, Township 13 South, Range 33 East, W.M., with a date of priority of 1894, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1969.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic

foot per second per acre thereafter, further limited to one acre foot per calendar month to June 1 and 4 acre feet per acre during season April 1 to September 30, measured at point of diversion.

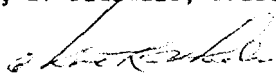
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to William J. Hughes and recorded at page 25263, Volume 17, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Carlyle Woodley confirming said change in point of diversion.

Dated at Salem, Oregon, this 12th day of December, 1968.


CHRIS L. WHEELER
State Engineer