

3481 Carlyle Woodley  
P.O. Box 66  
Prairie City, Mo. 64669

3481

STATUS OF APPLICATION

Change in point of diversion & place of use  
Date filed 10-14-76  
Date of hearing 12-28-76  
Place of hearing Canyon City  
Date of order 1-3-77 Vol. 28, page 233  
Date for application of water 10-1-77  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued SEP 4 1980 Vol. 43, page 49444

to survey 9/77

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Dixie Creek  
Trib. of John Day River County of Grant  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 0.43  
Name of ditch Cozart Ditch  
Date of priority \_\_\_\_\_  
In name of \_\_\_\_\_  
Adjudication, Vol. 10, page 515  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 36815  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEE PAID

Date	Amount	Receipt No.
<u>10-14-76</u>	<u>45.00</u>	<u>56457</u>
<u>10-14-76</u>	<u>35.00 POW</u>	<u>56458</u>
TOTAL . . .		
<u>12-2-76</u>	<u>2<sup>00</sup> Cert. Fee</u>	<u>56458</u>
<u>Paul Pioneer Press</u>	<u>+33.00</u>	<u>ck. # 973</u>
<u>12/2/76</u>		

FEE REFUNDED

Date	Amount	Check No.
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INDEX CARDS:	Entered	Checked
<u>WAH</u> Name	<u>✓</u>	_____
<u>WAH</u> Stream	<u>✓</u>	_____
<u>WAH</u> Pt. of Div.	<u>✓</u>	_____
<u>WAH</u> Calendar	<u>✓</u>	_____
CHECKED TO REC:		
<u>✓</u> Twp. & Rge.	<u>GLS</u>	_____
<u>✓</u> Decree-vault	<u>GLS</u>	_____
<u>✓</u> Decree-sale	<u>GLS</u>	_____
<u>✓</u> Cert. of W/R	<u>✓</u>	_____
Per. Folder	_____	_____
Chaindex	_____	_____
Cross Ref.	_____	_____
Power Claim	_____	_____
<u>✓</u> Abstracts	<u>✓</u>	_____

W.R.I.S.

Assembled 6/15/84 by CLH  
Entered \_\_\_\_\_ by \_\_\_\_\_  
Verified \_\_\_\_\_ by \_\_\_\_\_



## STATE OF OREGON

COUNTY OF GRANT

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That CARLYLE WOODLEY

PO Box 151  
 of Prairie City, State of Oregon, has a right  
 to the use of the waters of Dixie Creek

a tributary of John Day River for the purpose of  
 irrigation and supplemental irrigation of 1.0 acre  
 and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
 Grant County, and the said decree entered of record at Salem, in the Order Record of  
 the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby  
 confirmed dates from 1894

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 one-fortieth cubic  
 foot per second per acre irrigated to June 1 and one-eightieth cubic foot per  
 second per acre thereafter; further limited to one acre-foot per calendar month to  
 June 1 and four acre-feet per acre during season April 1 to September 30, measured  
 at point of diversion, and if available at the original point of diversion

The point of diversion is located in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 2, T. 13 S., R. 33 E., W. M. River-  
 sion point located: 70 feet North and 260 feet East from W $\frac{1}{4}$  Corner, Section 2.  
 A description of the place of use under the right, and to which such right is appurtenant, is as  
 follows:

## Tract No. 1

0.57 acre NW $\frac{1}{4}$ SW  
 Sec 2  
 T13S R33E WM

1.0 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$   
 Section 2  
 T-13 S., R. 33 E., W. M.

## Tract No. 2

0.43 acre NW $\frac{1}{4}$ NW  
 Sec 2  
 T13S R33E WM

(NOTE: The above lands <sup>have</sup> a supplemental supply from John Day River  
 thru the Comer ditch with a priority of 1894.)

This certificate describes that portion of the water right confirmed  
 by the prior certificate recorded at page 36815 Vol. 28, SRWRC,  
 NOT modified by the provisions of an order of the WRD entered  
 Jan. 3, 1977 approving transfer application No. 3481 and is issued  
 to confirm a change in place of use & point of diversion ap-  
 proved by the same order and supersedes certificate 36815.  
 The issuance etc

C-49444

T-3481

POD's: NW NW, SW NW, Sec 2 T13S R33E WM, Tract No. 2 diversion - 1.0 acre  
 245' S of 540' E from NW cor Sec 2, Tract No. 1 diversion - 70' N of 260' E from  
 W $\frac{1}{4}$  cor Sec 2



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION  
OF CARLYLE WOODLEY FOR THE APPROVAL  
OF A CHANGE IN PLACE OF USE AND  
POINT OF DIVERSION OF WATER FROM  
DIXIE CREEK  
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ORDER APPROVING  
TRANSFER NO. 3481

On October 14, 1976, Carlyle Woodley filed an application in the office of the Water Resources Director for the approval of a change in place of use and point of diversion of water from Dixie Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate recorded at Page 36815, Volume 28, State Record of Water Right Certificates, in the name of Carlyle Woodley includes the use of water from Dixie Creek for irrigation of 0.43 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 13 South, Range 33 East, W.M., being lots 3, 4 and 5, Block 11, Cleaver & Cozart's Addition to Prairie City, with a date of priority of 1894.

Water for the said right is diverted through the Cozart ditch, from a point located 70 feet North and 260 feet East from the West quarter-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.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and place of use and to irrigate a certain 0.43 acre tract in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 2, by pumping water from Dixie Creek at a point located 245 feet South and 540 feet East from the Northwest corner of Section 2, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 2, Township 13 South, Range 33 East, W.M.



Notice of the application, pursuant to ORS 540.510 was published in the Pioneer Press, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of November 4, 11 and 18, 1976.

Mr. Robert F. Main, Jr., Watermaster of District No. 4, 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 objection having been filed and it appearing that the proposed change 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 change in place of use and point of diversion described herein, without loss of priority, is approved.

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 under the right involved herein.

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 the construction work shall be completed, the change in point of diversion of water made, and water so transferred applied to beneficial use on or before October 1, 1977.



It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to Carlyle Woodley and recorded at Page 36815, Volume 28, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right shall be issued to Carlyle Woodley.

Dated at Salem, Oregon, this 3rd day of January, 1977.

/s/ JAMES E. SEXSON  
Director



AFFIDAVIT OF PUBLICATION

State of Oregon  
County of Grant

RECEIVED

NOV 22 1976

WATER RESOURCES DEPT  
SALEM, OREGON

I, Jerry Franklin being first duly sworn, depose and say that I am the owner, publisher, manager, principal clerk of the PRAIRIE CITY PIONEER PRESS, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Prairie City, in the aforesaid county and state; that the

Water Resource notice

water write transfer application

# 3481

a printed copy of which is hereto attached was published in the entire issue of said newspaper for (3) three successive and consecutive weeks in the following issues:

Nov 4 - Nov 11 - Nov 18

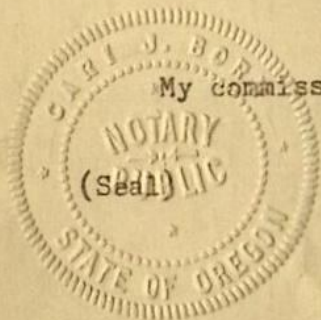
Jerry Franklin Nov 18 1976

Subscribed and sworn to before me this 18 day of Nov 19 76

Carol Born

Notary Public for Oregon

My commission expires Oct 21, 19 78



Notice . . .

NOTICE OF WATER RIGHT  
TRANSFER APPLICATION  
NO. 3481 FOR A CHANGE  
IN POINT OF DIVERSION  
AND PLACE OF USE

Notice is given hereby that on Oct. 14, 1976, Carlyle Woodley filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion and place of use under an existing right of record as described by the certificate recorded at Page 36815, Vol. 28, State Record of Water Right Certificates, in the name of Carlyle Woodley, which includes the use of water from Dixie Creek for irrigation of 0.43 acre in NW 1/4 SW 1/4, Sec. 2, T. 13S., R. 33 E., W.M., being lots 3, 4 and 5, Blk. 11, Cleaver & Cozart's Addition to Prairie City, with a date of priority of 1894.

Water for the said right is diverted through the Cozart ditch, from a point located 70 ft. N. and 260 ft. E. from the W. 1/4 corner of Sec. 2, being within the SW 1/4 NW 1/4 of Sec. 2, T. 13S., R. 33E., W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and place of use and to irrigate a certain 0.43 acre tract in NW 1/4 NW 1/4, Sec. 2, by pumping water from Dixie Creek at a point located 245 ft. S. and 540 ft. E. from the NW corner of Sec. 2, being within the NW 1/4 NW 1/4, Sec. 2, T. 13., R. 33E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon on December 28, 1976, at 9:30 a.m. All objections to the proposed change, 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 Carlyle Woodley P.O. Box 66, Prairie City, Or. 97869, and one copy filed with the Water Resources Department, Salem, Oregon 97310 together with a \$10 filing fee at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, the 25th day of October, 1976.

James E. Sexson  
Director