

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)
IVAN PORFILY FOR APPROVAL OF CHANGES)
IN PLACE OF USE AND POINT OF DIVER-)
SION OF WATER FROM JOHN DAY RIVER)

ORDER APPROVING
TRANSFER NO. 3595

On March 21, 1977, an application was filed in the office of the Water Resources Director by Ivan Porfily for changes in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 25875, Volume 18, State Record of Water Right Certificates, in the name of R. J. Stockdale Estate, describes a right which includes the use of water from John Day River for irrigation of 11.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 13 South, Range 30 East, W.M., with a date of priority of 1866.

The certificate recorded at page 25877, Volume 18, State Record of Water Right Certificates, in the name of R. J. Stockdale Estate, describes a right which includes the use of water from John Day River for irrigation of 5.0 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 28, with a date of priority of 1878.

Water for the said rights is diverted, through the Fry-Ingle Ditch, from a point located 1200 feet South and 1175 feet East from the North quarter corner of Section 26, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 13 South, Range 30 East, W.M.

The applicant herein, owner of the lands above described, proposes, without loss of priority:

To sever the right described by certificate 25877 for irrigation with a

priority date of 1878 from that certain 5.0 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, described above, and irrigate in lieu thereof a certain other 5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28;

To sever the right described by certificate 25875 for irrigation with a priority date of 1866 from a certain 5.0 acres of the 11.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, described above, and irrigate in lieu thereof the certain 5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28 from which the 1878 right is being severed; and

To change the point of diversion from the Fry-Ingle Ditch, above described, to divert the water through the Panama Ditch from a point located 520 feet South and 2080 feet East from the Northwest corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 13 South, Range 30 East, W.M., for irrigation of 11.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, with a priority date of 1866, and 3.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, with a priority date of 1878, all within Township 13 South, Range 30 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in The Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of June 9, 16 and 23, 1977.

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed changes 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 shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

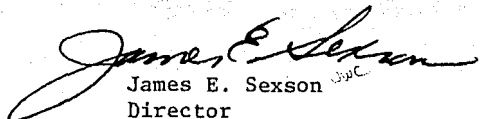
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificates of water right heretofore issued to R. J. Stockdale Estate and recorded at pages 25875 and 25877, Volume 18, State Record of Water Right Certificates, are canceled, and in lieu thereof new certificates be issued covering the balance of the rights NOT involved in this proceeding, 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 12th day of September, 1977.


James E. Sexson
Director