

## Morrow County

IN THE MATTER OF THE APPLICATION  
 OF J. W. AYLETT FOR THE APPROVAL  
 OF CHANGES IN POINT OF APPROPRIATION  
 OF GROUND WATER

ORDER APPROVING  
TRANSFER NO. 2649

On May 24, 1972, J. W. Aylett filed an application for transfer of water right in the office of the Water Resources Director proposing changes in point of appropriation of ground water from a certain aquifer pursuant to the provisions of ORS 537.705.

Water is appropriated from the shallow, alluvial aquifer system by means of two wells under existing rights of record as follows:

- (1) A right to appropriate not to exceed 0.987 cubic foot per second with a priority date of November 1, 1950, from a well located 16 feet South and 1310 feet West from the East quarter-corner of Section 33, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 4 North, Range 27 East, W.M., for irrigation of 39.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 40.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 33, evidenced by the certificate recorded at Page 40855, Volume 32, State Record of Water Right Certificates.
- (2) A right to appropriate not to exceed 1.0 cubic foot per second with a priority date of March 26, 1956, from a well located 5 feet South and 1342 feet East from the West quarter-corner of Section 33, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 4 North, Range 27 East, W.M., for irrigation of 40.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 40.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 33, evidenced by the certificate recorded at Page 37054, Volume 29, State Record of Water Right Certificates.
- (3) A right to appropriate not to exceed 1.0 cubic foot per second with a priority date of February 4, 1965, from a well located 5 feet South and 1342 feet East from the West quarter-corner of Section 33, being within

the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 4 North, Range 27 East, W.M., for irrigation of 40.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 40.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 33, evidenced by the certificate recorded at Page 34281, Volume 26, State Record of Water Right Certificates.

(4) A right to appropriate not to exceed 0.77 cubic foot per second with a priority date of February 20, 1970, from a well located 16 feet South and 1310 feet West from the East quarter-corner of Section 33, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, Township 4 North, Range 27 East, W.M., for irrigation of 34.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 27.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, established by performance under the provisions of water right permit No. G-4821 as determined by proof satisfactory to the Water Resources Director.

The applicant herein, contract purchaser of the lands above described, proposes to discontinue use of the said two wells as the means of appropriation and, without change of priority, change the point of appropriation to obtain the water from the said aquifer for irrigation of all of the said lands by means of one well located 60 feet North and 2580 feet East from the Southwest corner of Section 28, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 28, Township 4 North, Range 27 East, W.M., Morrow County, Oregon.

Mr. Elroy F. McDole, title holder of lands above described, has given his approval to the proposed changes in point of appropriation.

Notice of the application, pursuant to ORS 540.510, was published in the Heppner Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of September 9, 16 and 23, 1976.

Mr. William I. Porfily, Watermaster of District No. 5, has filed a statement to the effect that the proposed changes in point of appropriation may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes in point of appropriation may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is ORDERED that the proposed change in point of appropriation of ground water from the certain shallow alluvial aquifer system, without change in priority, is approved for appropriation of:

not to exceed 0.987 cubic foot per second with a date of priority of November 1, 1950, for irrigation of 39.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 40.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33;

not to exceed 1.0 cubic foot per second with a date of priority of March 26, 1956, for irrigation of 40.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 40.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33;

not to exceed 1.0 cubic foot per second with a date of priority of February 4, 1965, for irrigation of 40.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 40.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33; and

not to exceed 0.77 cubic foot per second with a date of priority of February 20, 1970, for irrigation of 34.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 27.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, Township 4 North, Range 27 East, W.M.

by means of one well located 60 feet North and 2580 feet East from the Southwest corner of Section 28, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 28, Township 4 North, Range 27 East, W.M.

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:

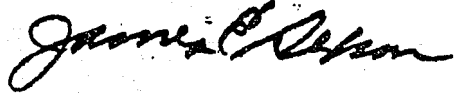
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1977

It is FURTHER ORDERED that the certificates of water right heretofore issued to Elroy F. McDole and to E. F. McDole and recorded at Page 34281, Volume 26, Page 37054, Volume 29, and at Page 40855, Volume 32, State Record of Water Right Certificates, are 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 J. W. Aylett.

Dated at Salem, Oregon, this 3rd day of November, 1976.



JAMES E. SEXSON  
Director