

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)
OF IVAN PORFILY FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM JOHN DAY RIVER)
- - - - -

O R D E R
APPROVING APPLICATION

On August 14, 1963, Ivan Porfily of Mt. Vernon, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from John Day River, 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 the Blue Mountain Ditch Company for the use of the waters of John Day River for the irrigation of, among other lands, 8.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 34.3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 36.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20 and 10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 13 South, Range 29 East, W. M., with a date of priority of October 23, 1916. These lands are irrigated through the Blue Mountain Ditch, the point of diversion of said ditch being located 565 feet North and 2320 feet West from the E $\frac{1}{4}$ corner of Section 29, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 29, Township 13 South, Range 30 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of the Boyce Ditch, the point of diversion of said ditch to be located South 27 degrees 30' East 1817 feet from the W $\frac{1}{4}$ corner of Section 21, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 21, Township 13 South, Range 29 East, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed

change in point of diversion of water, if any there were, namely: at the county courthouse in Canyon City, Oregon, on October 23, 1963, at 9:30 o'clock a.m. The notice 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 August 29, September 5 and 12, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from John Day River, to-wit:

From a point located 565 feet North and 2320 feet West from the E $\frac{1}{2}$ corner of Section 29, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 29, Township 13 South, Range 30 East, W. M.

To a point located South 27 degrees 30' East 1817 feet from the W $\frac{1}{2}$ corner of Section 21, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 21, Township 13 South, Range 29 East, W. M.

for the irrigation of 8.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 34.3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 36.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20 and 10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 13 South, Range 29 East, W. M., with a date of priority of October 23, 1916, is approved.

It is FURTHER ORDERED that no time need be fixed for completion of construction as the point of diversion is constructed and in operation.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

Dated at Salem, Oregon, this 29th day of October, 1963.



CHRIS L. WHEELER
State Engineer

Notice to 11/10/63
App. # 5224
Permit # 24504