

3595
ASSIGNED
IVAN PORFELY

3595

STATUS OF APPLICATION

Change in point of diversion + place of use
Date filed 3-21-77
Date of hearing 8-2-77
Place of hearing Canyon City
Date of order 9-12-77 Vol. 29, page 322
Date for application of water 10-1-79
Proof mailed April 22, 1982
Proof received _____
Certificate issued NOV 28 1977 Vol. 37, page 44940
RR (25877) SEP 3 1982 45 11185
MAR 01 2013 87884487885

DESCRIPTION OF WATER RIGHT

Name of stream John Day River
Trib. of _____ County of Grant
Use irrigation
Quantity of water _____ No. of acres 14²
Name of ditch Fry
Date of priority _____
In name of _____
John Day Adjudication, Vol. 10, page 611
App. No. _____ Per. No. _____ Cert. No. 25875
Certificate cancelled _____
Notation made on record by In DB

FEES PAID

Date	Amount	Receipt No.
3-21-77	\$ 85.00	59186
9-14-77	12.42	63852
TOTAL . . .		
8-31-77	#4 Cert. Fee	59186
Pd. The Blue Mt. Eagle (#48.42) 9/26/01		Ch. # 1457
25.00		49249
FEES REFUNDED		

Date	Amount	Check No.
Rec'd		85-
Exam 20		
POV 10		
POD 15		
2 cert		(45-)
		(4-)
PON		(48 ⁴²)
Need		# 12 ⁴²

REMARKS

Needs certificate - 9/28/00 Jm
9-26-01 Kirt + Joann Humphrey PO Box 354
Mt. Vernon, OR 97865 ASSIGNED. See Misc. Rec. Vol. 9 Page 46-50
W.R.I.S.
Assembled 7-12-89 by SOR
Entered _____ by _____
Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Stream	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Pt. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>	_____
<input checked="" type="checkbox"/>	CHECKED TO RECORD:		
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Decree-vault	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Decree-aafe	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Per. Folder	_____	_____
<input checked="" type="checkbox"/>	Chaindex	_____	_____
<input checked="" type="checkbox"/>	Cross Ref.	_____	_____
<input checked="" type="checkbox"/>	Power Claim	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Alto	<u>lg</u>	_____

Stokke
SP*70822-119

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KIRT HUMPHREY
JOANN HUMPHREY
PO BOX 354
MOUNT VERNON OR 97865

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 11.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1866.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED FROM APRIL 1 TO SEPTEMBER 30; FURTHER LIMITED TO ONE ACRE-FOOT PER ACRE PER CALENDAR MONTH TO JULY 1 AND 3/4 ACRE-FOOT PER ACRE THEREAFTER; TOTAL FIVE ACRE-FEET PER ACRE FOR SEASON, MEASURED AT POINT OF DIVERSION; IF AVAILABLE AT THE OLD POINT OF DIVERSION; BEING FRY-INGLE DITCH - NW 1/4 NE 1/4, SECTION 26, TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.; 1200 FEET SOUTH AND 1175 FEET EAST FROM THE N 1/4 CORNER OF SECTION 26.

The point of diversion is located as follows:

PANAMA DITCH - NE 1/4 NW 1/4, SECTION 25, TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.; 520 FEET SOUTH AND 2080 FEET EAST FROM THE NW CORNER, SECTION 25.

A description of the place of use is as follows:

NE 1/4 NE 1/4 11.0 ACRES
SECTION 28
TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

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.

The water user shall maintain the in-line flow meter, weir, or other suitable measuring device at the Panama Ditch diversion point for measuring the water to which the user is entitled.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This certificate is issued to confirm a change in PLACE OF USE FOR 5.0 ACRES AND POINT OF DIVERSION FOR 11.0 ACRES approved by an order of the Water Resources Director entered SEPTEMBER 12, 1977, and together with Certificate 51185, supersedes Certificate 25875, State Record of Water Right Certificates.

This right is subject to all other conditions and limitations contained in said decree.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued MAR 01 2013.



Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KIRT HUMPHREY
JOANN HUMPHREY
PO BOX 354
MOUNT VERNON OR 97865

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 8.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1878.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED FROM APRIL 1 TO SEPTEMBER 30; FURTHER LIMITED TO ONE ACRE-FOOT PER ACRE PER CALENDAR MONTH TO JULY 1 AND 3/4 ACRE-FOOT PER ACRE THEREAFTER; TOTAL FIVE ACRE-FEET PER ACRE FOR SEASON, MEASURED AT POINT OF DIVERSION; IF AVAILABLE AT THE OLD POINT OF DIVERSION; BEING FRY-INGLE DITCH.

The points of diversion are located as follows:

FRY-INGLE DITCH - NW 1/4 NE 1/4, SECTION 26, TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.; 1200 FEET SOUTH AND 1175 FEET EAST FROM THE N 1/4 CORNER OF SECTION 26; AND

PANAMA DITCH - NE 1/4 NW 1/4, SECTION 25, TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.; 520 FEET SOUTH AND 2080 FEET EAST FROM THE NW CORNER, SECTION 25.

A description of the place of use is as follows:

NE 1/4 NE 1/4 5.0 ACRES (FRY-INGLE DITCH)
NW 1/4 NE 1/4 3.0 ACRES (PANAMA DITCH)
SECTION 28
TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

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.

The water user shall maintain the in-line flow meter, weir, or other suitable measuring device at the Panama Ditch diversion point for measuring the water to which the user is entitled.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

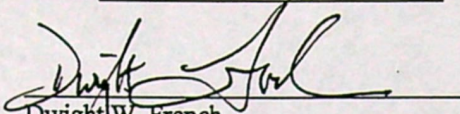
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This certificate is issued to confirm a change in PLACE OF USE FOR 5.0 ACRES AND POINT OF DIVERSION FOR 3.0 ACRES approved by an order of the Water Resources Director entered SEPTEMBER 12, 1977, and together with Certificate 44940, supersedes Certificate 25877, State Record of Water Right Certificates.

This right is subject to all other conditions and limitations contained in said decree.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued MAR 01 2013


Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director

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 NE $\frac{1}{2}$ 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

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P322-324

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.

/s/ James E. Sexson
Director

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ESTATE OF R. J. STOCKDALE

of Mt. Vernon, State of Oregon, has a right to the use of
the waters of John Day River trib Columbia River
for the purpose of the Irrigation of 2.0 acres

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 1878

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 1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

2.0 acres in SE 1/4 Sec 26

Section 21,

5.0 acres in NE 1/4 Sec 26

2.0 acres in NW 1/4 Sec 26

Section 28,

T. 13 S., R. 30 E., W. M.

T# 3595
Pod only

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 25877, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Sept 12, 1977, approving transfer application No. 3595.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1979

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25877

T# 3595

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ESTATE OF R.J. STOCKDALE

of Mt. Vernon
 a right to the use of the waters of John Day River

, State of Oregon , has

a tributary of
 irrigation of 54.3 acres

for the purpose of

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 WATER RESOURCES DIRECTOR, in Volume 15 , at page 461 ; that the priority of the right thereby confirmed dates from 1866

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 from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and three-fourths acre-foot per acre thereafter; total five acre-feet per acre for season

The point of diversion is located in the NW 1/4 NE 1/4, Section 26, T13S, R30E, WM; Fry-Ingle Ditch - 1,200 feet South and 1,175 feet East from N 1/4 Corner, Section 26

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

37.7 acres NW 1/4 NW 1/4
 Section 27
 16.6 acres NE 1/4 NE 1/4
 Section 28
 Township 13 South, Range 30 East, WM

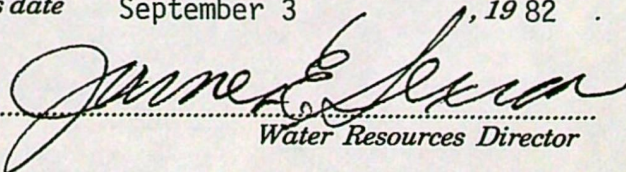
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 25875, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 12, 1977, approving Transfer Application 3595

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date September 3, 1982


 Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45 , page 51185

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

SS.

RECEIVED

JUN 28 1977

WATER RESOURCES DEPT
SALEM, OREGON

I, John Day, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, principal clerk of THE BLUE MOUNTAIN EAGLE, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at John Day, in the aforesaid county and state; that

the Notice of Water Right Transfer Application No. 3595 - Ivan Porfily

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

June 9, June 16 and June 23, 1977

John Day

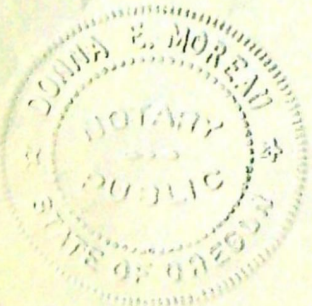
Subscribed and sworn to before me this 24th day of June, 1977

Donna E. Moreau
Notary Public for Oregon

My commission expires May 20, 1981

Cost of this publication was \$ 48.42

(Seal)



Public Notices

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3595

NOTICE IS GIVEN HEREBY that an application has been filed in the office of the Water Resources Director by Ivan Porfily for approval of a change in place of use and point of diversion from John Day River.

The certificate recorded at Page 25875, Vol. 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 1/4 NE 1/4 of Sec. 28, T. 13 S., R. 30 E., W. M., with a date of priority of 1866.

This certificate recorded at Page 25877, Vol. 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 NE 1/4 NE 1/4 and 3.0 acres in NW 1/4 NE 1/4 of said Sec. 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 ft. S. and 1175 ft. E. from the N 1/4 corner of Sec. 26, being within the NW 1/4 NE 1/4 of Sec. 26, T. 13 S., R. 30 E., 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 acre in NE 1/4 NE 1/4 of Sec. 28, described above, and irrigate in lieu thereof a different certain 5.0 acres in the NE 1/4 NE 1/4 of Sec. 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 1/4 NE 1/4 of Sec. 28, described above, and irrigate in lieu thereof the certain 5.0 acres in NE 1/4 NE 1/4 of Sec. 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 ft. S. and 2080 ft. E. from the NW corner of Sec. 25, being within the NE 1/4 NW 1/4 of Sec. 25, T. 13 S., R. 30 E., W. M., for irrigation of 11.0 acres in NE 1/4 NE 1/4 of Sec. 28, with a priority date of 1866, and 3.0 acres in NW 1/4 NE 1/4 of Sec. 28, with a priority date of 1878, all within T. 13 S., R. 30 E., W. M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on August 2, 1977, 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 Ivan Porfily, Route West, Mt. Vernon, Oregon 97865, 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 A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 24th day of May, 1977.

JAMES E. SEXSON
Director
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