

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION )  
OF EDWARD B. UFFELMAN FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM MARKS )  
REEVES CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2370

On April 30, 1970, Edward B. Uffelman filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Marks Reeves Creek, 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 Horace D. Stewart for the use of the waters of Marks Reeves Creek for the irrigation of 7.5 acres in SW¼ NE¼, 5.7 acres in NE¼ NW¼, 3.3 acres in NW¼ NW¼, 21.3 acres in SE¼ NW¼, 11.0 acres in NE¼ SW¼, and 8.3 acres in NW¼ SE¼, Section 12, Township 13 South, Range 27 East, W.M., with a date of priority of February 15, 1889, as evidenced by certificate recorded at page 25847, Volume 18, State Record of Water Right Certificates. These lands are irrigated by means of the Marks Creek Ditch from a point of diversion located 350 feet south and 1140 feet west from the SE corner of SE¼ NE¼ being within the NE¼ SE¼ of Section 12, Township 13 South, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Uffelman Ditch from a point of diversion to be located 1650 feet north and 750 feet west from the E¼ corner of Section 12 being within the NE¼ NE¼ of Section 12, Township 13 South, Range 27 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 July 16, 1970, at 9:30 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 May 21, 28, and June 4, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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

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

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Marks Reeves Creek, to-wit:

From a point located 350 feet south and 1140 feet west from the SE corner of SE $\frac{1}{4}$  NE $\frac{1}{4}$  being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, Township 13 South, Range 27 East, W.M.

To a point to be located 1650 feet north and 750 feet west from the E $\frac{1}{4}$  corner of Section 12 being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 12, Township 13 South, Range 27 East, W.M.

for the irrigation of 7.5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 5.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 21.3 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 11.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 8.3 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, Township 13 South, Range 27 East, W.M., with a date of priority of February 15, 1889, is approved.

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, 1971.

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 and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 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.

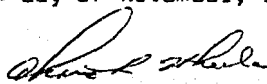
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to Horace D. Stewart and recorded at page 25847, Volume 18, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Edward B. Uffelmann confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of November, 1970.

  
CHRIS L. WHEELER  
State Engineer