

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION }  
OF EDWARD UFFLEMAN FOR THE APPROVAL }  
OF AN ADDITIONAL POINT OF DIVERSION }  
OF WATER FROM JOHN DAY RIVER }  
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ORDER APPROVING  
TRANSFER NO. 3378

On March 22, 1976, Edward Uffleman filed an application in the office of the Water Resources Director for the approval of an additional point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Horace D. Stewart recorded at Page 25851, Volume 17, State Record of Water Right Certificates, confirms a right to the use of the waters of John Day River for the supplemental irrigation of 5.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 14.3 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 11.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.0 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 1906, and for the irrigation of 1.9 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.1 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 18.5 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 18.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 22.7 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 12.7 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, Township 13 South, Range 27 East, W.M., with a date of priority of March 14, 1906.

These lands are irrigated from a point of diversion located 198 feet South and 2084 feet East from the Southeast corner of Section 12, Township 13 South, Range 27 East, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 18, Township 13 South, Range 28 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion for the irrigation of the above lands at a point to be located 1386 feet North and 1518 feet West from the Southeast corner of Section 12, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 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 additional point of diversion of water, if any there were, namely: at the county courthouse in John Day, Oregon, on June 8, 1976, 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 April 15, 22 and 29, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert Main, Watermaster of District No. 4, has filed a report to the effect that the establishment of the additional point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the applicant be allowed to utilize the existing point of diversion of water from the John Day River located:

198 feet South and 2084 feet East from the Southeast corner of Section 12, Township 13 South, Range 27 East, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 18, Township 13 South, Range 28 East, W.M.

and to establish an additional point of diversion from the John Day River to be located:

1386 feet North and 1518 feet West from the Southeast corner of Section 12, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, Township 13 South, Range 27 East, W.M.

for the supplemental irrigation of 5.7 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 14.3 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 11.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, Township 13 South, Range 27 East, W.M., with a date of priority

of 1906, and for the irrigation of 1.9 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.1 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 18.5 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 18.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 22.7 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 12.7 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, Township 13 South, Range 27 East, W.M., with a date of priority of March 14, 1906.

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 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.

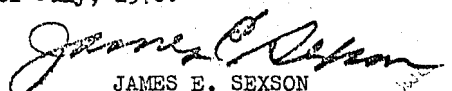
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 the certificate of water right heretofore issued to Horace D. Stewart and recorded at Page 25851, Volume 17, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Edward Uffleman confirming the change in point of diversion.

Dated at Salem, Oregon, this 6th day of July, 1976.

  
JAMES E. SEXSON  
Director