

Scanned - 4/14/21

# STATUS OF APPLICATION

Change in Point of Diversion  
Date filed April 30, 1970  
Date of hearing July 16, 1970  
Place of hearing Canyon City, Oregon  
Date of order 11-30-70 Vol. 20, page 258  
Date for application of water 10-1-71  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued APR 15 1977 Vol. 36, page 44294

# DESCRIPTION OF WATER RIGHT

Name of stream Marks Reeves Creek  
Trib. of \_\_\_\_\_ County of Grant  
Use Irrigation  
Quantity of water see order No. of acres 57<sup>1</sup>  
Name of ditch Marks Creek Ditch  
Date of priority February 15, 1889  
In name of Horace D. Stewart  
John Day River Adjudication, Vol. 10, page 606  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 25847  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slu

# FEES PAID

Date	Amount	Receipt No.
<u>4/30/70</u>	<u>25.00</u>	<u>18429</u>
<u>4/30/70</u>	<u>30.00</u> <sup>PON</sup>	<u>18430</u>
TOTAL . . .		
<u>6-17-70</u>	\$1 Cert. Fee	<u>From Pub. Net.</u>
<u>7-11-73</u> <u>1-29-74</u>	<u>1.00</u> <sup>Cost for</sup> <u>.81</u> <sup>Ext. Fee</sup>	<u>35463</u> <u>20 Power Co. # 749</u>

# FEES REFUNDED

Date	Amount	Check No.
<u>6-17-70</u>	<u>\$5.04</u> <u>Pub. Net.</u>	<u>3676</u>

# REMARKS

W.R.I.S.

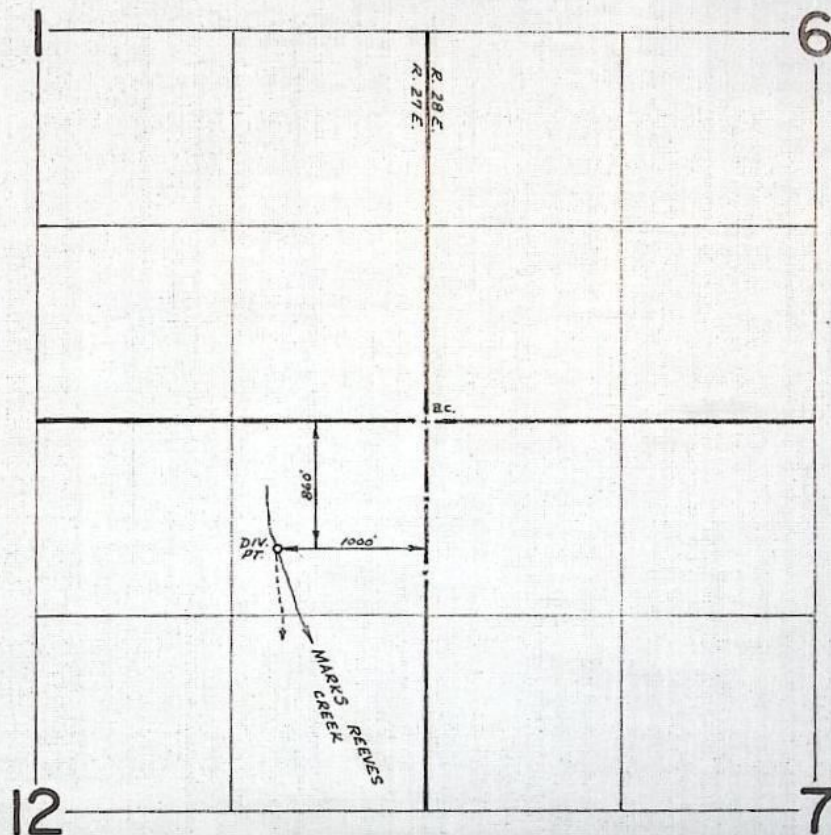
Assembled 8-15-89 by SRD  
Entered \_\_\_\_\_ by \_\_\_\_\_  
Verified \_\_\_\_\_ by \_\_\_\_\_

# INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>slu</u>	_____
<input checked="" type="checkbox"/> Stream	<u>slu</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>slu</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>slu</u>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>slu</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>slu</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>slu</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>slu</u>	_____
<input type="checkbox"/> Per. Folder	_____	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input type="checkbox"/> Power Claim	_____	_____
<input type="checkbox"/> Abstracts	_____	_____



T.13S., R.27E., W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2370  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

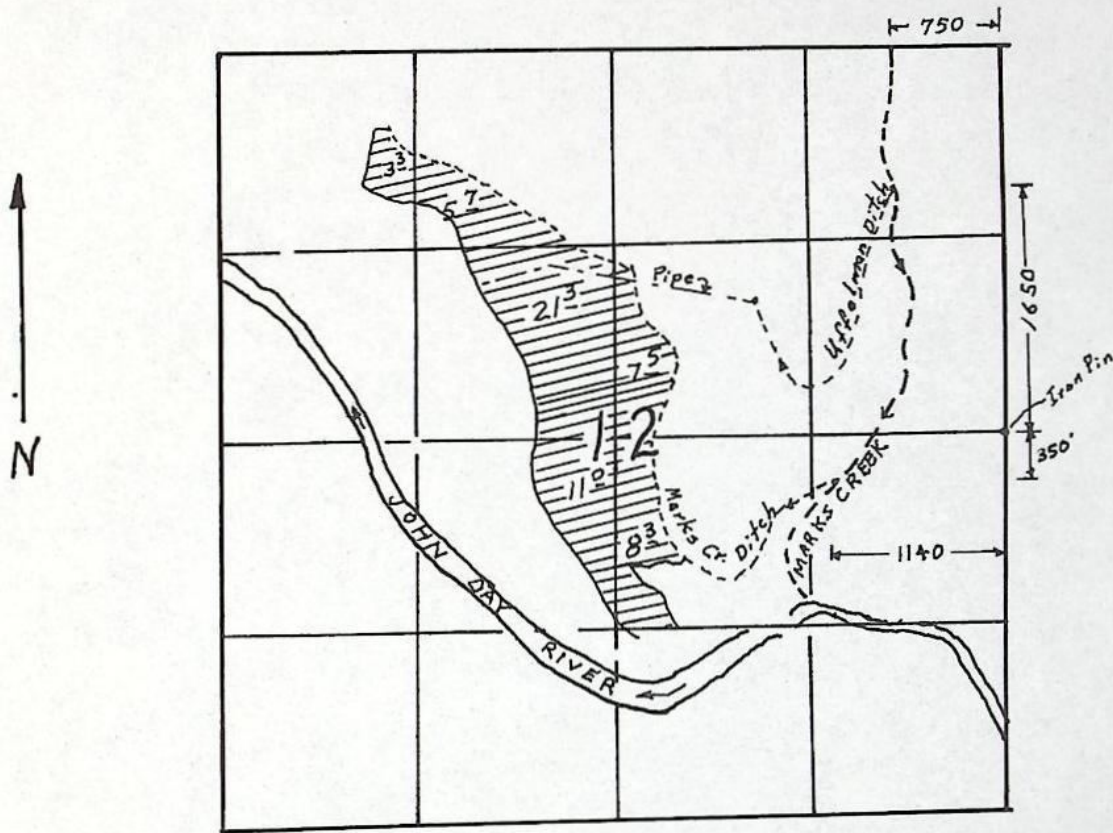
**EDWARD B. UFFELMAN**

Surveyed June 19 1975, by D. Norby



T13S., R27E., W.1M.

**RECEIVED**  
APR 30 1970  
STATE ENGINEER  
SALEM, OREGON



Scale: 4" = 1 mi.

Map Approved by: Edward B. Uffelman

## CHANGE IN POINT OF DIVERSION

REPORT ON INSPECTION UNDER  
TRANSFER OF WATER RIGHT FORTransfer No. 2370County Grant

1. Name Edward B. Uffelman Address Dayville, ORE 97865
2. Source of Supply Marks Reeves Creek, Trib. of JOHN DAY RIVER
3. Amount of Water \_\_\_\_\_ Priority Date February 15, 1889
4. Use Irrigation
5. Proposed Point of Diversion 1650 feet North and 750 feet West from the East  $\frac{1}{4}$  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. 860'S & 1000' W from NE COR SEC 12
6. Place of Use

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
13 South	27 East	12	SW $\frac{1}{4}$ NE $\frac{1}{4}$	7.5 ac.	
" "	" "	"	<del>NE NW</del>	5.7 ac.	
" "	" "	"	<del>NW NW</del>	3.3 ac.	
" "	" "	"	<del>SE NW</del>	21.3 ac.	
" "	" "	"	<del>NE SW</del>	11.0 ac.	
" "	" "	"	<del>NW SE</del>	8.3 ac.	

DTS-1975-C  
 6-19-75  
 DMN

25847



INFO - MR. Uffelman, showed us the new div. pt. He changed div. pts. so he could run sprinklers by gravity instead of flooding. He said it's ~~exactly~~ the same acreage as ~~before~~ was surveyed 30 yrs. ago by our office.

SOURCE - MARKS Creek

DIV. PT. - a rock dam diverts the water thru an 18" CMP into the ditch.

No pump. A pipe line from the end of the ditch is buried down thru the field

PIPE - Buried 4" & 6" main line from ditch thru field  
4800' 3" Alum

HEADS - 120 ~~RB~~ 30  $\frac{5}{32}$  -  
(120 max) (72 this date)

LIFT - Avg 40# press. @ Heads

CROP - Barley, grey oats, alfalfa other years

TIE - NE COR SEC 12 (B.C.)

David Forby  
F.E.

6-19-75



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 )  
----- )

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 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, 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 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.

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 E $\frac{1}{2}$  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.



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. Uffelman confirming the change in point of diversion.

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

/s/ CHRIS L. WHEELER  
State Engineer



NOTICE OF FILING APPLICATION FOR A  
CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Edward B. Uffelman has filed an application for the approval of a change in point of diversion of water from Marks Reeves Creek.

In the John Day River Adjudication proceedings 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 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 $\frac{1}{4}$ , Sec. 12, T. 13 S., R. 27 E., W.M., with a date of priority of February 15, 1889. These lands are irrigated by means of the Marks Creek Ditch from a point of diversion located 350 ft. S and 1140 ft. W 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 Sec. 12, T. 13 S., R. 27 E., 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 ft. N and 750 ft. W from the E $\frac{1}{4}$  corner of Sec. 12 being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 12, T. 13 S., R. 27 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on July 16, 1970, 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 Edward B. Uffelman, Dayville, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 15<sup>th</sup> day of May, 1970.

CHRIS L. WHEELER  
State Engineer



Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Edward B. Uffelman

(Name of applicant)

of Dayville

(Postoffice)

County of Grant

State of Oregon

do hereby make application for change in point of

diversion

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Marks Reeves Creek

(Name of stream)

2. The use to which the water is applied is Irrigation

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Marks Creek Ditch

4. The point of diversion is located 350 ft. S and 1140 ft. W from the SE

(N. or S.)

(E. or W.)

corner of SE $\frac{1}{4}$  NE $\frac{1}{4}$

(Section or subdivision)

being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$

of Section 12 Tp. 13 S R. 27 E W. M., in the County of Grant

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
13S	27E	12			7.5		5.7	3.3		21.3	11.0					8.3		

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? February 15, 1889

9. Was your water right acquired by State Engineer's Permit? No If so, give number

(Yes or No)

of permit .....



10. Do you hold a water right certificate? Yes If so, give number of certificate 25847  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?  
Yes If so, give title of proceedings Decree on John Day River Adjudication 11-16-56  
(Yes or No)

12. Is the water right recorded in your name? Horace D. Stewart  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 1650 ft. N and 750 ft. W from the E $\frac{1}{2}$   
(N. or S.) (E. or W.)  
corner of Sec. 12 being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 12 Tp. 13S R. 27E W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of Grant The name of the ditch to be used is Uffelman Ditch

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No  
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	Dalton Stewart	\$92,000.00
	642 Hillcrest Drive, John Day, Oregon	
		97845

20. Reasons for the proposed changes are To gain elevation to gravity sprinkle same lands and better utilize water.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Grant

} ss.

I, Edward B. Uffelman, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 27 day of April, 19 70

Edward B. Uffelman  
(Name of applicant)

Subscribed and sworn to before me this 27<sup>th</sup> day of April, 19 70

[Notarial Seal]

Howard Daggett  
NOTARY PUBLIC FOR OREGON

My commission expires 12-10-73

Remarks \_\_\_\_\_

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



Transfer No. 2370

NOTICE OF COMPLETION OF CONSTRUCTION

I, Edward B. Uffelman, hereby certify  
that the construction work has been completed and the change in  
point of diversion of water made as set forth in the order of  
the State Engineer dated November 30, 1970, approving an appli-  
cation for a change in point of diversion of water from \_\_\_\_\_  
Marks Reeves Creek.

Dec 2 - 1970  
Date

RECEIVED  
JUL 1 11973  
STATE ENGINEER  
SALEM OREGON

Edward B Uffelman  
Name



# AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

ss.

## NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

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Dated at Salem, Oregon, this 15th day of May, 1970.

CHRIS L. WHEELER  
State Engineer

21-22

I, John R. Moreau, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, principal clerk of the GRANT COUNTY 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 Filing Application

for a change in Point of Diversion  
of Water - Edward B. Uffelman, 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: \_\_\_\_\_

May 21, May 28 and June 4, 1970

Subscribed and sworn to before me this 13<sup>th</sup> day of June,

1970.

Anna E. Moreau  
Notary Public for Oregon

My commission expires May 20, 1973

Cost of this publication was \$ 23.96

**RECEIVED**  
JUN 17 1970  
STATE ENGINEER  
SALEM OREGON