

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF )  
THE CANCELATION )  
OF A WATER RIGHT )  
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O R D E R

On August 12, 1974, G. H. Cummings, acting for the John Day Church of the Nazarene submitted an affidavit that they are the owners of the following described land:

Baap on the R/W line of the John Day Hy, sd pt being 40.0 ft distant fm (when measured at R/A to) Eng. C/L Sta. 45+53.3, sd pt also being 658.8 ft S & 890.1 ft W of Sec cor common to Sec 23, 24, 25, & 26; th N 8° 12' E 138.2 ft; th N 78° 34' W 18.3 ft; th N 0° 54' E 62.6 ft; th S 49° 45' W 148.8 ft; th S 0° 02' E 94.4 ft to the N R/W line of sd Hy; th S 83° 40' E along sd R/W line 111.6 ft to the pob

and the water right appurtenant thereto; that they have abandoned any and all interest in and to the said water right and request the same to be canceled.

The water right in question is part of that evidenced by the certificate recorded at Volume 27, page 35918, State Record of Water Right Certificates, and is for the appropriation of not to exceed one-fortieth cubic foot per second per acre of water from John Day River, with a priority date of 1875, for irrigation of 0.4 acre in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 13 South, Range 31 East, W.M., as established by Decree of the Circuit Court for Grant County entered November 16, 1956 in the name of Eradford C. Trowbridge.

That part of the water right evidenced by said certificate for the appropriation of not to exceed one-fortieth cubic foot per second per acre of water from John Day River for irrigation of 177.3 acres and stock use for Tract No. 1, with a priority date of 1863, and irrigation of 5.7 acres for Tract No. 2, with a priority date of 1875, as tabulated below:

Tract No. 1

22.3 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
11.5 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
23.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
17.6 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
38.5 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 23

15.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
11.2 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 24

18.2 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
11.9 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 25

8.1 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 26

T. 13 S., R. 31 E., W.M.

Tract No. 2

2.6 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 26

2.7 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
0.4 acre NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 25

T. 13 S., R. 31 E., W.M.

is not in question.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the water right for the use of one-fortieth cubic foot per second per acre of water from John Day River with a date of priority of 1875, for irrigation of 0.4 acre in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 13 South, Range 31 East, W.M., is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Volume 27, page 35918 is canceled and in lieu thereof a new certificate be issued to Bradford C. Trowbridge covering that part of the water right not in question which is for the appropriation of not to exceed one-fortieth cubic foot per second per acre of water from John Day River for irrigation of 177.3 acres and stock use for Tract No. 1, with a priority date of 1863, and irrigation of 5.7 acres for Tract No. 2, with a priority date of 1875, as tabulated below:

Tract No. 1

22.3 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
11.5 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
23.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
17.6 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
38.5 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 23

15.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
11.2 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 24

18.2 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
11.9 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 25

8.1 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 26

T. 13 S., R. 31 E., W.M.

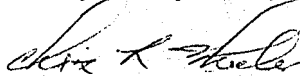
Tract No. 2

2.6 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 26

2.7 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
0.4 acre NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 25

T. 13 S., R. 31 E., W.M.

Dated at Salem, Oregon this 19th day of September, 1974.



CHRIS L. WHEELER  
State Engineer