

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE
PARTIAL CANCELATION OF
A WATER RIGHT IN THE NAME
OF BLUE MOUNTAIN DITCH CO. }

O R D E R

On March 11, 1963 Mr. Charles A. Lowrey submitted a sworn statement that he is the legal owner of a certain water right and of the following described lands to which the right is appurtenant:

Beginning at the northwest corner of Section 21, Township 13 South, Range 29 East; thence east along the section line 1813.53 feet; thence south 4739.85 feet; thence north 88°06' west 169.2 feet; thence north 79°46' west 457.7 feet; thence north 77°28' west 836.7 feet; thence north 85°52' west 376.2 feet to the west boundary line of said Section 21; thence north 4444.23 feet along said section line to the point of beginning;

that he has abandoned any and all interest in said water right appurtenant to the above described property and requests the same to be canceled.

The water right in question is a part of that evidenced by the certificate recorded at Volume 17, page 24504, State Record of Water Rights Certificates, and is for the appropriation of not to exceed 0.19 cubic foot per second of water from the John Day River, with a date of priority of October 23, 1916, for irrigation of 5.6 acres in the NW¼ SW¼ and 9.2 acres in the SW¼ SW¼ of Section 21, Township 13 South, Range 29 East, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 10.31 cubic feet per second of water from the John Day River, with a date of priority of October 23, 1916, for irrigation of 825.9 acres as follows:

- 8.5 acres NE¼ SW¼
- 1.2 acres SE¼ SW¼
- 36.2 acres NE¼ SE¼
- 32.2 acres NW¼ SE¼
- 34.3 acres SW¼ SE¼
- 36.6 acres SE¼ SE¼, Section 20

21.6 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 12.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
 9.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21
 6.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 16.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25
 27.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 2.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 36.1 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 20.6 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 0.5 acre NE $\frac{1}{4}$ NW $\frac{1}{4}$
 24.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
 37.8 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 35.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 28.3 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
 36.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
 0.9 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$
 6.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26
 28.1 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 37.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 8.3 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 31.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 36.9 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 31.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27
 9.1 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 28.3 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 31.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
 21.8 acre ; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28
 10.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 2.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29,
 Township 13 South, Range 29 East, W.M.
 0.1 acre NW $\frac{1}{4}$ NW $\frac{1}{4}$
 24.1 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 6.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29
 7.8 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 19.3 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 1.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 14.7 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 6.7 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30,
 Township 13 South, Range 30 East, W.M.,

is not in question.

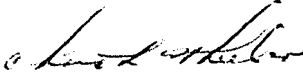
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right".

NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 0.19 cubic foot per second from the John Day River, with a date of priority of October 23, 1916, for irrigation of 5.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 9.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 13 South, Range 29 East, W.M., is canceled.

It is FURTHER ORDERED that the certificate recorded at Volume 17, page 24504, State Record of Water Rights Certificates, is canceled and in lieu thereof a new certificate be issued in the name of Blue Mountain Ditch Company for the appropriation of not to exceed 10.31 cubic foot per second of water from the John Day River, with a date of priority of October 23, 1916, for irrigation of the 825.9 acres described above as not being in question at the time the pending applications for change in point of diversion are completed.

Dated at Salem, Oregon this 18th day of November 1963.

Blue Mountain Ditch Co.
App# 8224
Cert# 24504


CHRIS L. WHEELER
State Engineer