

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF A PARTIAL)
CANCELATION OF A WATER RIGHT)
IN THE NAME OF LEWIS McCALLISTER)

O R D E R

By decree of the Circuit Court for Crook County, entered April 13, 1914, in the Matter of the Determination of the Relative Rights of the Various claimants to the Waters of Crooked River and its Tributaries, a Tributary of Deschutes River, a right was established in the name of Lewis McCallister of Howard, Oregon for the appropriation of 5.0 cubic feet per second of the waters of Ochoco Creek and the storage of 1000 acre feet in a reservoir located in Section 16, Township 13 South, Range 20 East, W. M., for the development of 45 horsepower and mining in Sections 19, 20, 29 and 30, Township 13 South, Range 20 East, W. M., with a date of priority of 1886. Said right is evidenced by a certificate recorded at page 611, Volume 1, State Record of Water Right Certificates.

The owner of the lands to which the water right for the development of power is appurtenant has failed for a period of five successive years ending after August 20, 1957, to file the written statement or pay the annual fees as provided by ORS 543.720 sub-section 2.

ORS 543.730 provides that the failure of any claimant for a period of five successive years ending after August 20, 1957, shall be conclusive evidence of the abandonment by the claimant of the claim and of all right to water power purposes in connection with such claim.

That part of the water right evidenced by said certificate for the storage of 1000 acre feet of the waters of Ochoco Creek in a reservoir located in Section 16, Township 13 South, Range 20 East, W. M., and for the use of 5.0 cubic feet per second from Ochoco Creek and reservoir for mining in Sections 19, 20, 29 and 30, Township 13 South, Range 20 East, W. M. with a date of priority of 1886, is not in question.

It appearing that the right to the use of water for power has been abandoned under the provisions of ORS 543.730, this part of the water right should be canceled.

NOW, THEREFORE, it hereby is ORDERED that the right for the use of the waters of Ochoco Creek and the water stored in the reservoir located in Section 16, Township 13 South, Range 20 East, W. M., with a priority date of 1886, for the development of 45 horsepower is canceled.

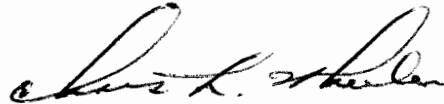
Dated at Salem, Oregon, this 19th day of November, 1963.

Notes on Decree

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Cert. # 611

Power Claim # 763



CHRIS L. WHEELER
State Engineer