

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF)
THE CANCELATION)
OF WATER RIGHTS)

O R D E R

On March 17, 1969, Inez Ross Dove and Paul D. & Dorothy Dexter submitted affidavits that they are the owner and contract purchasers of that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 13 South, Range 33 East, W.M., lying southeasterly of the John Day River and the water rights appurtenant thereto, that they have abandoned any and all interest in and to said water rights and request the same be canceled.

The water rights in question are:

(a) for the use of not to exceed one-fortieth cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total 5 acre-feet per acre for season of the waters of John Day River for irrigation of 6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 13 South, Range 33 East, W.M., with a date of priority of 1869, and is evidenced by certificate of water right issued in the name of R. T. McHaley and recorded at page 35079, Volume 27, State Record of Water Right Certificates;

(b) for the use of not to exceed one-fortieth cubic foot per second per acre irrigated to June 1 and one-eightieth 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 of the waters of Dixie Creek for supplemental irrigation of 6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 13 South, Range 33 East, W.M., with a date of priority of 1868, and is evidenced by certificate of water right issued in the name of R. T. McHaley and recorded at page 25530, Volume 17, State Record of Water Right Certificates;

(c) for the use of not to exceed one-fortieth cubic foot per second per acre irrigated to June 1 and one-eightieth 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 of the waters of a spring for supplemental irrigation of 6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 13 South, Range 33 East, W.M., with a date of priority of 1886, and is evidenced by certificate of water right recorded at page 25531, Volume 17, State Record of Water Right Certificates.

That part of said water right described in paragraph (a) for the use of not to exceed one-fortieth cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season of the waters of John Day River for irrigation of:

- 34.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
- 16.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
- 31.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
- 18.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$

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with a date of priority of 1869, as evidenced by certificate of water right recorded at page 35079, Volume 27, State Record of Water Right Certificates, is not in question in these proceedings;

That part of said water right described in paragraph (b) for the use of not to exceed one-fortieth cubic foot per second per acre irrigated to June 1 and one-eightieth 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 of the waters of Dixie Creek for supplemental irrigation of:

- 34.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
- 16.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
- 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
- 34.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$

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with a date of priority of 1868, as evidenced by certificate of water right recorded at page 25530, Volume 17, State Record of Water Right Certificates, is not in question in these proceedings;

That part of said water right described in paragraph (c) for the use of not to exceed one-fortieth cubic foot per second per acre irrigated to June 1 and one-eightieth 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 of the waters of a spring for supplemental irrigation of:

24.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
16.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
34.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$

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with a date of priority of 1886, as evidenced by certificate of water right recorded at page 25531, Volume 17, State Record of Water Right Certificates, is not in question in these proceedings.

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 is hereby ORDERED that the right to the use of not to exceed one-fortieth cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and $\frac{3}{4}$ acre-foot per acre thereafter; total of five acre-feet per acre for season of the waters of John Day River for irrigation of 6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 13 South, Range 33 East, W.M., lying southeasterly of the John Day River, with a date of priority of 1869, is canceled.

It is FURTHER ORDERED that the right for the use of not to exceed one-fortieth cubic foot per second per acre irrigated to June 1 and one-eightieth

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 of the waters of Dixie Creek for supplemental irrigation of 6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 13 South, Range 33 East, W.M., lying southeasterly of the John Day River, with a priority date of 1868, is canceled.

It is FURTHER ORDERED that the right for the use of not to exceed one-fortieth cubic foot per second per acre irrigated to June 1 and one-eighth 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 of the waters of a spring for supplemental irrigation of 6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 13 South, Range 33 East, W.M., lying southeasterly of the John Day River, with a date of priority of 1886, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 35079, Volume 27, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to R. T. McHaley covering that part of the water right not in question which is for the use of not to exceed one-fortieth cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and $\frac{3}{4}$ acre-foot per acre thereafter; total five acre-feet per acre per season of the waters of John Day River for irrigation of:

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with a date of priority of 1869.

It is FURTHER ORDERED that certificate of water right recorded at page 25530, Volume 17, State Record of Water Right Certificates, is canceled,

and in lieu thereof a certificate be issued to R. T. McHaley covering that part of the water right not in question which is for the use of not to exceed one-fortieth cubic foot per second per acre irrigated to June 1 and one-eightieth 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 of the waters of Dixie Creek for supplemental irrigation of:

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34.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$

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with a date of priority of 1886.

Dated at Salem, Oregon, this 25th day of March, 1969.

CHRIS L. WHEELER
State Engineer

Noted on Deed

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