

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

ORDER

On July 15, 1970, S. P. Bybee, President of Bybee Farms, Inc. submitted an affidavit that Bybee Farms, Inc. is the legal owner of water rights and the lands to which the rights are appurtenant; that Bybee Farms, Inc. have abandoned any and all interest in and to said water right and request the same to be canceled.

The water rights in question are;

(a) for the use of not to exceed 1.0 acre foot per acre during any calendar month prior to June 1st and $\frac{3}{4}$ acre foot per acre during any calendar month after June 1st of each year, and a total of 3.0 acre feet per acre during the irrigation season from April 1st to October 15th from the Owyhee River for the irrigation of 39.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 19 South, Range 47 East, W.M., with a date of priority of October 30, 1888, and is part of that evidenced by certificate of water right issued in the name of Owyhee Ditch Company and recorded at Page 31121, Volume 23, State Record of Water Right Certificates.

(b) for the appropriation of not to exceed 0.79 cubic foot per second of water from Snake River with a date of priority of October 1, 1951, for the supplemental irrigation of 39.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 19 South, Range 47 East, W.M., and is part of that evidenced by certificate of water right issued in the name of U. S. Bureau of Reclamation and recorded at Page 24704, Volume 17, State Record of Water Right Certificates.

(c) for the appropriation of not to exceed 0.06 cubic foot per second of water from waste water in Cow Hollow Wasteway, with a date of priority of March 14, 1955, for the supplemental irrigation of 39.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 19 South, Range 47 East, W.M., and is a part of that evidenced by certificate of water right issued in the name of the Owyhee Ditch Company and recorded at Page 29394, Volume 21, State Record of Water Right Certificates.

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 cancellation thereof, the State Engineer shall enter an order canceling the water right."

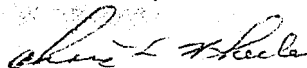
NOW, THEREFORE, it hereby is ORDERED that the rights for;

(a) the use of not to exceed 1.0 acre foot per acre during any calendar month prior to June 1st and $\frac{3}{4}$ acre foot per acre during any calendar month after June 1st of each year, and a total of 3.0 acre feet per acre during the irrigation season from April 1st to October 15th from the Owyhee River with a date of priority of October 30, 1888, for the irrigation 39.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 19 South, Range 47 East, W.M.

(b) the appropriation of not to exceed 0.79 cubic foot per second of water from Snake River with a date of priority of October 1, 1951, for the supplemental irrigation of 39.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 19 South, Range 47 East, W.M.

(c) the appropriation of not to exceed 0.08 cubic foot per second of water from waste water in Cow Hollow Wasteway, with a date of priority of March 14, 1955, for the supplemental irrigation of 39.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 19 South, Range 47 East, W.M. are canceled.

Dated at Salem, Oregon this 12th day of November, 1970.



CHRIS L. WHEELER
State Engineer

noted on decree
Vol. 9, p. 44
cert. 31121