

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF }  
THE CANCELATION }  
OF WATER RIGHTS }

O R D E R

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This proceeding was initiated by the State Engineer under the provisions of ORS 540.631 to 540.650 for the cancelation of certain water rights.

Notice, dated April 3, 1968, of initiation of the proceedings for cancelation of the rights in question was given to the owners and occupants of the lands to which the said rights were appurtenant by record;

(a) for the use of not to exceed 0.02 cubic foot per second of the waters of McKay Creek, tributary of Umatilla River, for irrigation of 2.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 1, Township 1 South, Range 32 East, W.M., with a date of priority of December 24, 1913, as evidenced by certificate of water right issued in the name of A. Pecavet and J. W. Roorck and recorded at page 2736, Volume 4, State Record of Water Right Certificates.

(b) for the use of not to exceed 0.17 cubic foot per second of the waters of McKay Creek, tributary of Umatilla River, for irrigation of 9.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, with a date of priority of 1895, and 5.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, with a date of priority of 1909, Township 1 South, Range 32 East, W.M., established by decree of the Circuit Court for Umatilla County, dated September 9, 1916, and evidenced by certificate of water right issued in the name of Ida Walker and recorded at page 2634, Volume 3, State Record of Water Right Certificates.

By subsequent Decree of the Circuit Court for Umatilla County, entered February 7, 1969, modifying the Decree of the Circuit Court, entered September 9, 1916, the 9.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, as evidenced by

certificate of water right recorded at page 2634, Volume 3, State Record of Water Right Certificates, was corrected to 9.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, Township 1 South, Range 32 East, W.M., and therefore is no longer in question in this proceeding.

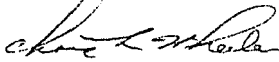
No protests having been entered by the owners of 2.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 5.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, Township 1 South, Range 32 East, W.M., to which the rights in question are appurtenant, these rights should be canceled.

NOW, THEREFORE, it is hereby ORDERED that the right for the use of not to exceed 0.02 cubic foot per second of the waters of McKay Creek, tributary of Umatilla River, for irrigation of 2.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 1, Township 1 South, Range 32 East, W.M., with a date of priority of December 24, 1913, as evidenced by certificate of water right recorded at page 2736, Volume 4, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the right for the use of not to exceed 0.06 cubic foot per second of the waters of McKay Creek, tributary of Umatilla River, for irrigation of 5.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, Township 1 South, Range 32 East, W.M., with a date of priority of 1909, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 2634, Volume 3, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Verna Gilliland covering that part of the water right not in question and that part of said water right as modified by Decree of the Circuit Court for Umatilla County, entered February 7, 1969, which is for the use of not to exceed 0.25 cubic foot per second of the waters of McKay Creek, tributary of Umatilla River, for irrigation of 20.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, Township 1 South, Range 32 East, W.M., with a date of priority of 1895.

Dated at Salem, Oregon this 24th day of September, 1969.

  
CHRIS L. WHEELER  
State Engineer