

BEFORE THE STATE ENGINEER OF OREGON

Grant County

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

O R D E R

On July 23, 1970, W. A. and Blanche Patterson submitted an affidavit that they are the legal owners of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is for the use of not to exceed 1/40 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, measured at point of diversion of the water of the John Day River for stock and the irrigation of 7.0 acres in the NE 1/4 SW 1/4 of Section 22 with a date of priority of 1870 and 11.4 acres in the NE 1/4 SW 1/4 of Section 22 with a date of priority of 1889, both in Township 13 South, Range 31 East, W.M., and is evidenced by certificate of water right issued in the name of the Estate of John C. Silvers, by Jessie Silvers and E. J. Bayley, Testamentary Trustees and recorded at Page 25806, Volume 17, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 1/40 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, measured at point of diversion of the waters of the John Day River for stock and irrigation of:

Tract #1

25.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 19

34.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 30

Township 13 South, Range 31 East, W.M.

Tract #2

10.3 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 22

Township 13 South, Range 31 East, W.M.

Tract #3

2.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$

3.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 25

Township 13 South, Range 30 East, W.M.

7.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 30

Township 13 South, Range 31 East, W.M.

Tract #4

18.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

8.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$

18.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 22

Township 13 South, Range 31 East, W.M.

with dates of priority of 1865 for Tract #1, 1870 for Tract #2, 1876 for Tract #3 and 1889 for Tract #4, 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."

NO., THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 1/40 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, measured at point of diversion of the water of the John Day River for stock and the irrigation of 7.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22 with a date of priority of 1870 and 11.4 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 13 South, Range 31 East, W.M., with a date of priority of 1889, is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Page 25806, Volume 17, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to the Estate of John C. Silvers, by Jessie Silvers and E. J. Bayley, Testamentary Trustees covering that part of the water right not in question which is for the appropriation of not to exceed 1/40 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, measured at point of diversion of the waters of the John Day River with dates of priority of 1865 for Tract #1, 1870 for Tract #2, 1876 for Tract #3 and 1889 for Tract #4, for irrigation of:

Tract #1

25.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 19

34.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 30
Township 13 South, Range 31 East, W.M.

Tract #2

10.3 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 22
Township 13 South, Range 31 East, W.M.

Tract #3

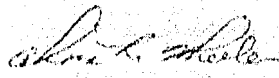
2.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
3.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 25
Township 13 South, Range 30 East, W.M.

7.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 30
Township 13 South, Range 31 East, W.M.

Tract #4

18.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
8.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
18.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 22
Township 13 South, Range 31 East, W.M.

Dated at Salem, Oregon, this 20th day of November, 1970.


CHRIS L. WHEELER
State Engineer

dated on 2/2/70
Vol. 10, p. 498
cert. 25806

superseding
certificate
37304