

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF A. M. DESPAIN)

ORDER

On June 4, July 2, November 28, 1984, and February 13, June 21, 1985, Charles A. Anderegg, J. Val and Nina Toronto, Fred A. Frazier, Allan L. and Nancy A. Edicott, Donald J. and Connie M. Ball, Leroy R. and Marylee Farley, Forest L. and Katherine E. Baker, George L. Hoisington of Sundale Water Co-op Association by Corey, Byler and Rew, 222 SE Dorion Avenue, Pendleton, Oregon 97801, submitted affidavits that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

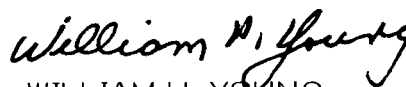
The water right in question was established by Decree of the Circuit Court for Umatilla County, entered September 9, 1916, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River, tabulated in the name of A. M. Despain, at page 201, Volume 3, Order Record of the Water Resources Director, and is a portion of the right described by the certificate recorded at page 29799, Volume 21, State Record of Water Right Certificates, in the name of W.F. Zimmerman, R.L. Smith and Harold Bartsch, and is for the use of not to exceed 0.05 cubic foot per second of water from McKay Creek, with a date of priority of 1894, for irrigation of 1.77 acres in SW 1/4 NW 1/4 and 0.27 acre in SE 1/4 NW 1/4 and with a date of priority of 1907 for irrigation of 1.99 acres in SW 1/4 NW 1/4 and 0.31 acre in SE 1/4 NW 1/4, all on Bartsch Lands within Section 21, Township 2 North, Range 32 East, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 29799, Volume 21, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled, and in lieu thereof a new certificate be issued to describe the balance of the water right NOT involved in this proceeding.

Dated at Salem, Oregon, this 5th day of July, 1985.


WILLIAM H. YOUNG
Director