

BEFORE THE STATE ENGINEER OF OREGON

Grant County

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

O R D E R

On June 23, 1969, John E. McCaige submitted an affidavit that he is the owner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 13 South, Range 29 East, W.M., and the water rights appurtenant thereto, that he has abandoned any and all interest in and to said water rights and requests the same be canceled.

The water rights in question are:

(a) for the use of not to exceed 0.55 cubic foot per second of the waters of John Day River, tributary of Columbia River, for irrigation of 24.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26 and 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 13 South, Range 29 East, W.M., with a date of priority of October 23, 1916, and is evidenced by certificate of water right issued in the name of Blue Mountain Ditch Company and recorded at page 24504, Volume 17, State Record of Water Right Certificates;

(b) for the use of not to exceed 0.55 cubic foot per second of the waters of John Day River, tributary of Columbia River, for supplemental irrigation of 24.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26 and 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 13 South, Range 29 East, W.M., with a date of priority of April 18, 1963, and is evidenced by certificate of water right issued in the name of John E. McCaige and recorded at page 35802, Volume 27, State Record of Water Right Certificates.

That part of the water right described in paragraph (a) above, for the use of not to exceed 9.76 cubic feet of the waters of John Day River, tributary of Columbia River, for irrigation of:

8.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
36.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
32.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
34.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
36.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20

21.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
12.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
9.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 21

6.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
16.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 25

27.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
36.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
20.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
0.5 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$
37.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
35.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
28.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
36.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
0.9 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$
6.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 26

8.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
37.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
8.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
31.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
36.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
31.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27

9.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
28.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
31.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
21.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 28

10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 29

Township 13 South, Range 29 East, W.M.,

0.1 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$
24.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
6.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 29

7.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
19.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
1.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$

14.7 acres in SE~~1~~4 NE~~1~~4

6.7 acres in NE~~1~~4 NW~~1~~4

Section 30

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

with a date of priority of October 23, 1916, as evidenced by certificate of water right recorded at page 24504, Volume 17, State Record of Water Right Certificates, is not in question in these proceedings;

And that part of the water right described in paragraph (b) above, for the use of not to exceed 3.19 cubic feet per second, being 0.23 cubic foot per second for primary irrigation and 2.96 cubic feet per second for supplemental irrigation of the waters of John Day River, tributary of Columbia River for:

Supplemental

Primary

0.5 acre		NE 1 4 NW 1 4
35.8 acres		SW 1 4 NW 1 4
34.0 acres		SE 1 4 NW 1 4
24.6 acres	1.4 acres	NE 1 4 SW 1 4
35.4 acres	2.4 acres	NW 1 4 SW 1 4
0.9 acre	2.7 acres	SW 1 4 SW 1 4
	Section 26	

6.7 acres		SW 1 4 NE 1 4
35.8 acres		SE 1 4 NE 1 4
36.0 acres	0.6 acre	NE 1 4 SE 1 4
27.2 acres		NW 1 4 SE 1 4
	2.0 acres	SE 1 4 SE 1 4
	Section 27	

Township 13 South, Range 29 East, W.M.,

with a date of priority of April 18, 1963, as evidenced by certificate of water right recorded at page 35802, Volume 27, 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 cancellation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the right for the use of not to exceed 0.55 cubic foot per second of the waters of John Day River,

tributary of Columbia River, for irrigation of 24.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26 and 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 13 South, Range 29 East, W.M., with a date of priority of October 23, 1916, as evidenced by certificate of water right recorded at page 24504, Volume 17, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the right for the use of not to exceed 0.55 cubic foot per second of the waters of John Day River, tributary of Columbia River, for supplemental irrigation of 24.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26 and 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 13 South, Range 29 East, W.M., with a date of priority of April 18, 1963, is canceled.

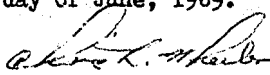
It is FURTHER ORDERED that certificate of water right recorded at page 35802, Volume 27, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to John E. McCaige covering that part of the water right not in question, which is for the use of not to exceed 3.19 cubic feet per second of the waters of John Day River, tributary of Columbia River, being 0.23 cubic foot per second for primary irrigation and 2.96 cubic feet per second for supplemental irrigation of:

Supplemental	Primary	
0.5 acre		NE $\frac{1}{4}$ NW $\frac{1}{4}$
35.8 acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$
34.0 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$
24.6 acres	1.4 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
35.4 acres	2.4 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
0.9 acre	2.7 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	Section 26	
6.7 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$
35.8 acres		SE $\frac{1}{4}$ NE $\frac{1}{4}$
36.0 acres	0.6 acre	NE $\frac{1}{4}$ SE $\frac{1}{4}$
27.2 acres		NW $\frac{1}{4}$ SE $\frac{1}{4}$
	2.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 27	

Township 13 South, Range 29 East, W.M.,

with a date of priority of April 18, 1963.

Dated at Salem, Oregon, this 30th day of June, 1969.


CHRIS L. WHEELER
State Engineer