

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF CANCELLATION)
OF PORTIONS OF WATER RIGHTS)
IN THE NAME OF R.T. MCHALEY)

ORDER

On September 22, 1986, Don R. Johnson, President of Co-Gen Co. and Prairie Wood Products, Inc. of Box 386, Prairie City, Oregon 97869, submitted affidavits that Co-Gen Co. and Prairie Wood Products, Inc. are the owners of certain water rights and the lands to which the water rights are appurtenant; that they have abandoned any and all interest in and to the said water rights and request the same be canceled.

The water rights in question were established by Decree of the Circuit Court for Grant County, entered November 16, 1956, in the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River, tabulated in the name of R.T. McHaley, at pages 555 and 556, Volume 10, Order Record of the Water Resources Director, and are portions of the rights described by the certificates recorded at pages 35905, 35903 and 35904, Volume 27, State Record of Water Right Certificates, in the name of R.T. McHaley, and are respectively:

(a) for the use of not to exceed one-fortieth 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 5 acre-feet per acre for season of the waters of John Day River for irrigation of 31.2 acres in NE 1/4 NE 1/4, 13.8 acres in SE 1/4 NE 1/4, Section 10, Township 13 South, Range 33 East, WM, with a date of priority of 1869;

(b) for the use of not to exceed one-fortieth cubic foot per second per acre irrigated to June 1 and one-eightieth cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to September 30 of the waters of Dixie Creek for supplemental irrigation of 31.2 acres in NE 1/4 NE 1/4, 13.8 acres SE 1/4 NE 1/4, Section 10, Township 13 South, Range 33 East, WM, with a date of priority of 1868;

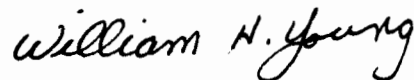
(c) for the use of not to exceed one-fortieth cubic foot per second per acre irrigated to June 1 and one-eightieth cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to September 30 of the waters of a spring for supplemental irrigation of 21.1 acres in NE 1/4 NE 1/4, 13.8 acres in SE 1/4 NE 1/4, Section 10, Township 13 South, Range 33 East, WM, with a date of priority of 1886;

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

NOW, THEREFORE, it is hereby ORDERED that the said water rights, being portions of the rights described by the certificates recorded at pages 35905, 35903 and 35904, Volume 27, State Record of Water Right Certificates, are canceled.

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

Dated at Salem, Oregon, this 26th day of November, 1986.



WILLIAM H. YOUNG
Director

Note: The above order is issued by the Director pursuant to authority delegated by the Water Resources Commission pursuant to ORS 536.025(2).

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