

BEFORE THE STATE ENGINEER OF OREGON

Grant County

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

O R D E R

On July 25, 1969, notice was given by certified mail in accordance with the provisions of ORS 540.631 to 540.650 to Bethesda General Hospital, c/o Pollock, Ward, Kolabash & Shaw, 418 Olive Avenue, St. Louis, Missouri; as owner of the lands to which certain water rights as hereinafter described are appurtenant, of the State Engineer's intention to cancel said rights.

The water rights in question are:

(a) for the use of not to exceed the quantity fixed by Paragraph 108 of the State Engineer's Findings and Order of Determination as confirmed by Decree of the Circuit Court, of the waters of Ella Creek, tributary of East Fork Dixie Creek, for domestic use in the buildings situated on Morning Glory Quartz Mine, described as follows:

Beginning at the SE corner No. 1, from which the East  $\frac{1}{4}$  corner of Section 12, Township 12 South, Range 33 East, W.M., bears S.  $55^{\circ} 49'$  E., 1747.81 feet; thence S.  $76^{\circ} 33'$  W., 1223.81 feet to corner No. 2; thence N.  $58^{\circ} 39'$  W., 917.64 feet to corner No. 3; thence N.  $86^{\circ} 15'$  E., 1500.30 feet to corner No. 4; thence S.  $58^{\circ} 39'$  E., 558.50 feet to corner No. 1, the place of beginning,

with a priority date of January 12, 1905, as evidenced by certificate of water right issued in the name of Estate of Clifford M. Dolph and recorded at page 25099, Volume 17, State Record of Water Right Certificates;

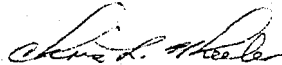
(b) for the use of not to exceed 1.92 cubic feet per second of the waters of East Fork Dixie Creek, tributary of Dixie Creek, tributary of John Day River, for mining use on the Grover Cleveland patented quartz mine, located in Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) and Lot 3 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 12, Township 12 South, Range 33 East, W.M., with a date of priority of January 12,

1905, as evidenced by certificate of water right issued in the name of Estate of Clifford M. Dolph and recorded at page 25100, Volume 17, State Record of Water Right Certificates.

No protest having been filed against the proposed cancelation of the water rights in question within the sixty day period immediately following the notice, the water rights should be canceled under the provisions of ORS 540.641 (1).

NOW, THEREFORE, it is hereby ORDERED that the right for the use of not to exceed the quantity fixed by Paragraph 108 of the State Engineer's Findings and Order of Determination as confirmed by Decree of the Circuit Court, of the waters of Ella Creek, tributary of East Fork Dixie Creek, for domestic use in the buildings situated on Morning Glory Quartz Mine, with a date of priority of January 12, 1905, as evidenced by certificate of water right issued in the name of Estate of Clifford M. Dolph and recorded at page 25099, Volume 17, State Record of Water Right Certificates; and for the use of not to exceed 1.92 cubic feet per second of the waters of East Fork Dixie Creek, tributary of Dixie Creek, tributary of John Day River, for mining use on the Grover Cleveland patented quartz mine, located in Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) and Lot 3 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 12, Township 12 South, Range 33 East, W.M., with a date of priority of January 12, 1905, as evidenced by certificate of water right issued in the name of Estate of Clifford M. Dolph and recorded at page 25100, Volume 17, State Record of Water Right Certificates, are canceled.

Dated at Salem, Oregon this 3rd day of October, 1969.



CHRIS L. WHEELER  
State Engineer

NOTE: THIS ORDER  
RESCINDED. SEE  
Sp. Dec. Vol. 20, pgs 171-176