

BEFORE THE STATE ENGINEER OF OREGON

Union County

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

C R D L R

On July 18, 1961, Melvin Westenskow acting as the authorized agent for the Union Stake Church of Jesus Christ of Latter Day Saints submitted an affidavit that they are the legal owners of twenty acres in the NE<sup>1</sup> NE<sup>1</sup> of Section 9, Township 3 South, Range 38 East, W.M., and the water right appurtenant thereto; and on May 23, 1966, Donald A. Jordan submitted an affidavit that he is the legal owner of the following described lands:

Commencing at a point 40 rods south of the northwest corner of the NE<sup>1</sup> NE<sup>1</sup>, Section 9, T. 3 S., R. 38 East, W.M.; running thence east 40 rods; thence south 51-3/11 rods; thence west 40 rods; thence north 51-3/11 rods to the point of beginning, Excepting one acre of land in the southwest corner of the above described tract, being 208.5 feet square,

and the water right appurtenant thereto; 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 a diversion rate of not to exceed 1/40th of one cubic foot per second per acre and not to exceed three acre feet per acre in any irrigation season of the waters of Grande Ronde River, a tributary of Snake River, for the irrigation of 20 acres in the NE<sup>1</sup> NE<sup>1</sup>, 10 acres in the NE<sup>1</sup> NW<sup>1</sup>, and 1.8 acres in the SE<sup>1</sup> NW<sup>1</sup>, Section 9, Township 3 South, Range 38 East, W.M., with a date of priority of 1903, evidenced by certificate of water right issued in the name of La Grande Irrigation Company and recorded at page 6417, Volume 6, State Record of Water Right Certificates.

That part of the above described water right for a diversion rate of not to exceed 1/40th of a cubic foot per second per acre and not to exceed three acre feet per acre in any irrigation season of the waters of Grande Ronde River for the irrigation of:

- 1 acre in Lots 13, 14, Block 7, Pleasant Home Addition
- 4 acres in Lots 2, 3, 4, 5, Block 5, Home Investment Addition (SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 4, T. 3 S., R. 38 E., W.M.)
- 1 acre in Lot 148, Chaplin's Supplemental Addition
- 0.5 acre in W $\frac{1}{2}$  Lot 1, Block 1, Honan's Addition.
- 2 acres in Lot 1 & 6, Block 4, Home Investment Addition (SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)
- 1/3 acre in Lots 5, 6, 7 Block 38, Riverside Addition
- 3/4 acre in Lots 1, 2, 3, 14, 16, 18, Block 53 Riverside Addition.
- 1 acre in Lot 2, Block 2, Honan's Addition (NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 8, T. 3 S., R. 38 E., W.M.)
- 1/3 acre in Lot 7, Block 1, Pleasant Home Addition (SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)
- 1 acre in Lot 8, Block 3, Pleasant Home Addition SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 5, T. 3 S., R. 38 E., W.M.
- 2 acres in Lots 1, 2, 3, 4, Block 1, Sunnyside Addition.
- 2 acres in Lots 12, 13, Block 1, Pleasant Home Addition, (SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)
- 1 acre in Block 5, Hynearson's Addition
- 6 acres in Lots 2, 1, 3, Block 6, Lots 4, 5, 6, Block 1; Home Investment Addition (SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 4, T. 3 S., R. 38 E., W.M.)
- 1 acre in Lot 4, Block 2, Home Investment Addition; (SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 4, T. 3 S., R. 38 E., W.M.)
- 3 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 32, T. 2 S., R. 38 E., W.M.
- 2 acres in Lots 1 and 2 in Block 10, Home Investment Addition (SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)
- 2 acres in Lots 3 and 4, Block 10, Home Investment Addition SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)
- 1 acre in Lots 9-16 incl. block 44, Riverside Addition.
- 3 acres in Lots 1, 2, 3, Block 2; Pleasant Home Addition (SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)
- 1 acre in Lot 6, Block 2, Home Investment Addition; (SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 4, T. 3 S., R. 38 E., W.M.)
- 1 acre in Lot 5, Block 2, Home Investment Addition, (SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 4, T. 3 S., R. 38 E., W.M.)
- 1.5 acres in Lots 2, 4, Block 3; Home Investment Addition (SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)
- 0.5 acres in S $\frac{1}{2}$  Block 158, Chaplin's Supplemental Addition (NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)
- 0.5 acres in S $\frac{1}{2}$  Lot 13, New Haven Addition.

17 acres: 7 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 4, 10 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.,

4 acres in Block 160-163, incl. Chapman's addition (NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

1/4 acre in Lots 1, 2, Block 1, Riverside Addition.

2 acres in Lots 15, 16, Division B. New Haven Addition, (NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

2 acres in Lots 5, 10, Division A. New Haven Addition, Lot 8, Block 2, Pleasant Home Addition.

4 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 4, T. 3 S., R. 38 E., W.M.

2 acres in Lots 1, 2, Block 4, Pleasant Home Addition (SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

2 acres in Lot 7, Block 5; Pleasant Home Addition; (NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)  
Lots 1, 3, Block 3, Home Investment Addition (NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

4 acres in Lots 3, 4, Block 2; Nelson's Addition.  
Lots 1-13 incl. Block 4, Sunnyside Addition.

30 acres: 30 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 10 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 20 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 20 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 23, T. 3 S., R. 38 E., W.M.

1/4 acre in Lots 13, 14, Block 8; Aynearson's Addition

1/2 acre in NE $\frac{1}{4}$  of Lot 13, Division A. New Haven Addition. (NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

40 acres in: 20 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , 20 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 3, T. 3 S., R. 38 E., W.M.

5 acres in Blocks 1, 2, 3, 4, Dwight's Addition.

1 acre in Lots 3, 4, 5, 6, Block 7: Pleasant Home Addition; (SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

1/2 acre in NE $\frac{1}{2}$  Lot 2, Block 1, Honan's Addition.

2/3 acre in Lots 1, 2, 3, 4, 11, 12, 13, 14, Block 39; Riverside Addition.

1 acre in Lot 1, Division B. New Haven Addition. (NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

4 acres in Lots 2, 3, 4, 5, Block 9, Home Investment Addition; (SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

10 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 4, T. 3 S., R. 38 E., W.M.

0.5 acres in Lots 9, 10, 11, 12, 13, Block 18, Riverside Addition.

5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.,

0.5 acres in Block 166, Chaplin's Supplemental Addition; (NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

3 acres in Blocks 5, 6, 7, New Haven Addition. (NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

1 acre in S $\frac{1}{2}$  Block 159, NW $\frac{1}{4}$  Block 154; Chaplin's Supplemental Addition; (NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 38 E., W.M.)

- 4 acres in Lots 9, 10  
Block 10; Lots 5, 6  
7, Block 3; Home Invest-  
ment Addition; (SE $\frac{1}{4}$   
SW $\frac{1}{4}$ , Sec. 5, T. 3 S., R.  
38 E., W.M.)
- 1 acre in Lot 1, Block C.  
New Haven Addition.  
(NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 5,  
T. 3 S., R. 38 E.,  
W.M.)
- 1 acre in Lot 5, Block 8  
Pleasant Home Addition  
(NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 5, T.  
3 S., R. 38 E., W.M.)
- 12 acres in Blocks 2, 4, 5;  
McWhirter's Addition;  
(SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 4, T.  
3 S., R. 38 E., W.M.)
- 2 acres in S $\frac{1}{2}$ , Lot 6, all  
of Lots 7 and 8, Block  
7, Pleasant Home  
Addition, Lot 6,  
Block 2, and Lot 4,  
Block 1, Home Invest-  
ment Addition.)
- 1/4 acres in Lots 3, 4, Block  
1; Riverside Addition.
- 1 acre in Lot 1, Block 2,  
Home Investment Addition;  
(SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 4, T.  
3 S., R. 38 E., W.M.)
- 3 acres in Lots 1, 2, 3,  
Block 1; Home Investment  
Addition. (SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec.  
4, T. 3 S., R. 38 E., W.  
M.)
- 1 acre in Lot 8, Division C. New  
Haven Addition; (NE $\frac{1}{4}$ , NW $\frac{1}{4}$   
Sec. 5, T. 3 S., R. 38 E.,  
W.M.)
- 1/2 acre in Lots 1, 2, 3, 4,  
Block 4, Helson's  
Addition
- 1 acre in Lots 2, 3, 4, 5,  
Block 2, Rynearsen's  
Addition
- (NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , none) 10 acres in  
NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , 9 acres in NW $\frac{1}{4}$   
NE $\frac{1}{4}$ , 1/4 acres in SW $\frac{1}{4}$ , NE $\frac{1}{4}$   
7.2 acres in SE $\frac{1}{4}$ , NW $\frac{1}{4}$ ,  
Sec. 9, T. 3 S., R. 38  
E., W.M.
- 10 acres in NW $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 9,  
T. 3 S., R. 38 E., W.M.
- 10 acres in SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , Sec. 5,  
T. 3 S., R. 38 E., W.M.
- 1 acre in Lot 5, Block 5,  
Pleasant Home Addition.  
(NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 5, T.  
3 S., R. 38 E., W.M.)
- 1 acre in Lots 4, 5, 6, Block  
2, Sunnyside Addition
- 10 acres in NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 23,  
T. 3 S., R. 38 E., W.M.
- 1/3 acre in Lots 5, 6, 7, and  
8, Block 28, Riverside  
Addition.
- 1 acre in Lot 12, Division A.  
New Haven Addition.
- 1 acre in Lot 6, Block 5,  
Pleasant Home Addition.  
(NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 5, T. 3  
S., R. 38 E., W.M.)
- 2/3 acre in Block 159, Chaplin's  
Supplemental Addition.  
(NW $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 5, T. 3  
S., R. 38 E., W.M.)
- 4 acres in Lots 4, 5, 6, Block  
6, Lot 1, Block 7, Home  
Investment Addition,  
SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 4, T.  
3 S., R. 38 E., W.M.
- 1/2 acre in E $\frac{1}{2}$  Lot 1, Block 1,  
Honan's Addition.
- 10 acres in NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 9  
T. 3 S., R. 38 E., W.M.
- 1 acre in Lot 8, Block 3,  
Home Investment Addition.  
(SE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 5, T.  
3 S., R. 38 E., W.M.)

- 4 acres in Lots 1, 2, 3, 4,  
Block 4, Home Investment  
Addition.
- 1 acre in Lots 6, 7, 8, 9,  
10, Block 30, Predmore's  
Addition.
- 0.5 acre in Lot 2, Block 5,  
Pleasant Home Addition.  
(SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 5, T.  
3 S., R. 38 E., W.M.)
- 2 acres in Lots 8 and 9,  
Division A. New Haven  
Addition. (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ,  
Sec. 5, T. 3 S., R. 38  
E., W.M.)
- 14 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 32,  
T. 2 S., R. 38 E., W.M.
- 21 acres in: 18 acres in SW $\frac{1}{4}$   
NW $\frac{1}{4}$ , 3 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$   
of Sec. 9, T. 3 S., R.  
38 E., W.M.
- 10 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec.  
9, T. 3 S., R. 38 E.,  
W.M.
- 3/4 acres in Lot 14, Block  
1, Pleasant Home Addition
- 1 acre in Lot 7, Block 2;  
Pleasant Home Addition.
- 1 acre in Lots 3, 4, Division  
B. New Haven Addition.  
(NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3  
S., R. 38 E., W.M.)
- 1 acre in Lot 8, Block 4,  
Pleasant Home Addition  
(NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T.  
3 S., R. 38 E., W.M.)
- 1 acre in Lot 164, Chaplin's  
Supplemental Addition;  
(NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T.  
3 S., R. 38 E., W.M.)
- 2.4 acres in Blocks 147, 156,  
Chaplin's Supplemental  
Addition. (W $\frac{1}{2}$  NW $\frac{1}{4}$ , Sec.  
5, T. 3 S., R. 38 E.,  
W.M.)
- 8 acres in Blocks 1 and 6,  
McWhirter's Addition.  
SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 4, T.  
3 S., R. 38 E., W.M.)
- 7 acres in Lot 4, Block 7,  
Block 8, Home Investment  
Addition. (SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec.  
4, T. 3 S., R. 38 E., W.M.)
- 1 acre in Lot 3, Division A.  
New Haven Addition.  
(NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T.  
3 S., R. 38 E., W.M.)
- 2 acres in Lots 1, 6, Block  
9; Home Investment  
Addition. (SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec.  
5, T. 3 S., R. 38 E., W.M.)
- 2 acres in Blocks 152, 153,  
Chaplin's Addition; (NW $\frac{1}{4}$   
NW $\frac{1}{4}$ , Sec. 5, T. 3 S.,  
R. 38 E., W.M.)
- 2 acres in Block 155, Chaplin's  
Supplemental Addition;  
(NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3  
S., R. 38 E., W.M.)
- 1 acre in Lot 8, Block 1;  
Pleasant Home Addition;  
(SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 5, T. 3  
S., R. 38 E., W.M.,)
- 1 acre in Block 157, Chaplin's  
Addition. (NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec.  
5, T. 3 S., R. 38 E., W.  
M.,)
- 2 acres in Lots 8, 9, Division  
B. New Haven Addition;  
(NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S.,  
R. 38 E., W.M.)
- 1 acre in Lot 1, Block 5,  
Pleasant Home Addition  
(SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 3  
S., R. 38 E., W.M.)
- 1 acre in Lots 1, 2, 3, Block  
7; Pleasant Home Addition  
(SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 5, T. 3 S.,  
R. 38 E., W.M.)

1 acre in Lots 1, 2, 3, 4, 13  
14, 15, 16, Block 42, River-  
side Addition.

1 acre in Lot 2, Block A,  
New Haven Addition.  
(NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T.  
3 S., R. 38 E., W.M.)

3 $\frac{1}{2}$  acres in Block 40,  
Riverside Addition.

2 acres in Lots 4 and 5,  
Block 5, Pleasant Home  
Addition; (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ,  
Sec. 5, T. 3 S., R. 38  
E., W.M.)

1 acre in Lot 7, Block 4,  
Pleasant Home Addition.  
(NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3  
S., R. 38 E., W.M.)

1/2 acre in Lot 2 E $\frac{1}{2}$ , Block  
1, Honen's Addition,

1 acre in Lot 1, Block A;  
New Haven Addition;  
(NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T.  
3 S., R. 38 E., W.M.)

5 acres in Block 33, River-  
side Addition; (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ,  
Sec. 6, T. 3 S., R. 38  
E., W.M.)

1/4 acre in Lots 6 and 7, Block  
2; Mynearson's Addition.

20 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 9,  
T. 3 S., R. 38 E., W.M.

2/3 acre in Lots 5, 6, 7, 8, 9,  
10, Block 39, Riverside  
Addition.

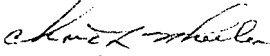
5.4 acres: 3.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ ,  
Sec. 5, T. 3 S., R. 38  
E., W.M.  
1.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
Sec. 32, T. 2 S., R. 38 E.,  
W.M.  
Block 2, Helson's Addition;  
Blocks 169, 170 and 171,  
Chaplin's Addition(2nd)  
to La Grande, Oregon

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 cancellation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the right for the diversion rate of not to exceed 1/40th of a cubic foot per second per acre and not to exceed three acre feet per acre in any irrigation season of the water of Grande Ronde River for the irrigation of 20 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 10 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 1.6 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 3 South, Range 38 East, W.M., with a date of priority of 1903, evidenced by certificate of water right issued in the name of La Grande Irrigation Company and recorded at page 6417, Volume C, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 7th day of June, 1966.

  
Chris L. Wheeler  
State Engineer

*Handwritten notes:*  
1/2 acre in Lot 2 E $\frac{1}{2}$ , Block 1, Honen's Addition,  
1/2 acre in Lot 2 E $\frac{1}{2}$ , Block 1, Honen's Addition,  
1/2 acre in Lot 2 E $\frac{1}{2}$ , Block 1, Honen's Addition,