

BEFORE THE STATE ENGINEER OF OREGON

Union County

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

ORDER

Amended: 8/20/74, 11/26/74, 1/27/75

On June 28, 1974, George E. and Irena C. Smedberg, Route 1, Box 98, Cove, Oregon, submitted an affidavit that they are the owners of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same to be canceled.

The water right in question is part of that evidenced by the certificate recorded at Volume 1, page 332, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.02 cubic foot per second of water from Mill Creek, with a priority date of 1866 for irrigation of 2.3 acres located south of Murphy Creek within the E $\frac{1}{2}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$, Section 15, Township 3 South, Range 40 East, W.M., as established by Decree of the Circuit Court for Union County entered December 26, 1911 in the name of Caldwell Ditch Company.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 3.39 cubic feet per second of water from Mill Creek, with a priority date of 1866 for irrigation of:

- 3.5 acres SE $\frac{1}{2}$ NE $\frac{1}{2}$
- 40.0 acres SW $\frac{1}{2}$ NE $\frac{1}{2}$
- 37.7 acres SE $\frac{1}{2}$ NW $\frac{1}{2}$
- 37.0 acres NE $\frac{1}{2}$ SW $\frac{1}{2}$
- 34.0 acres SE $\frac{1}{2}$ SW $\frac{1}{2}$
- 21.0 acres NE $\frac{1}{2}$ SE $\frac{1}{2}$
- 30.0 acres NW $\frac{1}{2}$ SE $\frac{1}{2}$
- 30.5 acres SW $\frac{1}{2}$ SE $\frac{1}{2}$
- 24.0 acres SE $\frac{1}{2}$ SE $\frac{1}{2}$
- Section 15

- 31.5 acres NE $\frac{1}{2}$ NE $\frac{1}{2}$
- 38.0 acres NW $\frac{1}{2}$ NE $\frac{1}{2}$
- 18.0 acres SW $\frac{1}{2}$ NE $\frac{1}{2}$
- 14.0 acres SE $\frac{1}{2}$ NE $\frac{1}{2}$
- 8.0 acres SE $\frac{1}{2}$ SE $\frac{1}{2}$
- Section 22

13.0 acres SW $\frac{1}{2}$ NW $\frac{1}{2}$
3.0 acres SW $\frac{1}{2}$ SW $\frac{1}{2}$
Section 23
Township 3 South, Range 40 East, W.M.

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

NOW, THEREFORE, it hereby is ORDERED that the water right for the use of 0.02 cubic foot per second of water from Mill Creek with a date of priority of 1866, for irrigation of 2.3 acres located south of Murphy Creek within the E $\frac{1}{2}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$, Section 15, Township 3 South, Range 40 East, W.M., is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Volume 1, page 332 is canceled and in lieu thereof a new certificate be issued to Caldwell Ditch Company covering that part of the water right not in question which is for the appropriation of not to exceed 3.39 cubic feet per second of water from Mill Creek, with a priority date of 1866, for irrigation of:

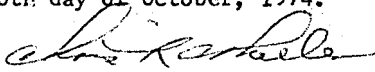
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37.7 acres SE $\frac{1}{2}$ NW $\frac{1}{2}$
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Section 23

Township 3 South, Range 40 East, W.M.

Dated at Salem, Oregon this 10th day of October, 1974.


CHRIS L. WHEELER
State Engineer *invE*