

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF CANCELLATION )  
OF A PORTION OF A WATER RIGHT ) O R D E R  
IN THE NAME OF BERNARD M. SMITH )

An affidavit was received from TRECO, Oregon Rootstock and Tree Company, Inc., the owner of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 16877, State Record of Water Right Certificates. The abandoned water right is for the use of 0.312 cubic foot per second from an unnamed stream, a tributary of Pudding River. The date of priority is November 30, 1942. The abandoned water right is for irrigation of 25.0 acres.

A description of the place of use of the abandoned right is as follows:

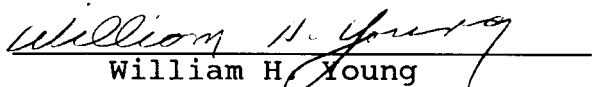
LOT 4 (SE 1/4 SW 1/4) 2.4 ACRES  
SECTION 29  
  
NE 1/4 NW 1/4 12.3 ACRES  
LOT 1 (NW 1/4 NW 1/4) 10.3 ACRES  
SECTION 32  
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

The right to the use of 0.364 cubic foot per second from Pudding River for the irrigation of 29.2 acres under certificate 16877 is not part of this cancellation but is transferred under application 6431.

ORS 540.621 provides: "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 portion of the water right described herein is canceled. It is FURTHER ORDERED that Certificate 16877 is canceled.

WITNESS the signature of the Water Resources Director, affixed  
MARCH 9, 1992.

  
William H. Young

Recorded in Special Order Volume 46, Page 134