

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion County

IN THE MATTER OF THE PARTIAL )  
CANCELANON OF A WATER RIGHT )  
IN THE NAME OF JOHN FITZSIMMONS )  
----- )

O R D E R

On July 15, 1977, Reuben and Bertha Ditchen 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 be canceled.

The water right in question is part of that evidenced by certificate recorded at Page 24004, Volume 17, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.2 cubic foot per second of water from South unnamed drainage ditch with any deficiency in the available supply in South unnamed drainage ditch to be made up by diversion from Pudding River, for the irrigation of:

- 7.2 acres within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within John C. Carey D.L.C. #58
- 14.0 acres within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within John C. Carey D.L.C. #58  
Section 5
- 23.2 acres within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within John C. Carey D.L.C. #58
- 11.0 acres within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within John C. Carey D.L.C. #58
- 0.2 acres within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Wm. Parker D.L.C. #49  
Section 8

Township 6 South, Range 1 West, W.M.,

with a priority date of March 28, 1951.

That part of the water right evidenced by said certificate for the appropriation of 0.33 cubic foot of water per second from two unnamed drainage ditches with any deficiency in the available supply in the South drainage ditch to be made up by diversion from the Pudding River for the irrigation of:

- River & South Ditch
- 9.5 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Carey DLC #58
- 0.8 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Carey DLC #58
- 0.4 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Parker DLC #49
- 3.2 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Parker DLC #49
- 23.2 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Carey DLC #58
- 1.2 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Carey DLC #58
- 16.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Carey DLC #58  
Section 5
- 1.9 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Parker DLC #49  
Section 8

North Ditch

7.2 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Carey DLC #58  
0.7 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Carey DLC #58  
30.2 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Carey DLC #58  
0.8 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Carey DLC #58  
Section 5

Township 6 South, Range 1 West, W.M.,

is not in question in this proceeding.

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

NOW, THEREFORE, it hereby is ORDERED that the water right for the use of 0.2 cubic foot per second of water from South unnamed drainage ditch with any deficiency in the available supply in South unnamed drainage ditch to be made up by diversion from Pudding River, for the irrigation of:

7.2 acres within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within John C. Carey D.L.C. #58  
14.0 acres within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within John C. Carey D.L.C. #58  
Section 5  
23.2 acres within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within John C. Carey D.L.C. #58  
11.0 acres within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within John C. Carey D.L.C. #58  
0.2 acres within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Wm. Parker D.L.C. #49  
Section 8

Township 6 South, Range 1 West, W.M.,

with a priority date of March 28, 1951, is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Page 24004, Volume 17, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued to John Fitzsimmons covering that part of the water right not in question herein.

Dated at Salem, Oregon, this 30th day of November, 1977.

  
James E. Sexson  
Director