

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion County

IN THE MATTER OF THE PARTIAL )  
CANCELLATION OF A WATER RIGHT )  
IN THE NAME OF LAKE LABISH )  
WATER CONTROL DISTRICT )  
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O R D E R

On June 9, 1973, Blanche E. Jones submitted an affidavit that she is the owner of a water right and the lands to which the right is appurtenant; that she has abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question owned by Blanche E. Jones is part of that evidenced by certificate recorded at Page 36324, Volume 28, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.16 cubic foot per second of water from Labish Drainage Ditch, with a priority date of June 26, 1962, for the irrigation of 13.1 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, Township 6 South, Range 2 West, W.M.

On July 24, 1973, A.J. Harris submitted an affidavit that he is the owner of a water right and the lands to which the right is appurtenant; that he has abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question owned by A.J. Harris is part of that evidenced by certificate recorded at Page 36324, Volume 28, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.04 cubic foot per second of water from Labish Drainage Ditch, with a priority date of July 26, 1962, for the supplemental irrigation of 0.7 acre in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 2.7 acres in Lot 4 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 21, Township 6 South, Range 2 West, W.M.

On August 13, 1973, Neil Kurth, Secretary-Treasurer for Kurth Farms Inc., submitted an affidavit that Kurth Farms is the owner of a water right and the lands to which the right is appurtenant; that Kurth Farms has abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question owned by Kurth Farms is part of that evidenced by certificate recorded at Page 36324, Volume 28, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.06 cubic foot per second of water from Labish Drainage Ditch, with a priority date of July 26, 1962, for the irrigation of 4.4 acres in Lot 2 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 21, Township 6 South, Range 2 West, W.M.

On June 20, 1977, Robert W. Heilman submitted an affidavit that he is the owner of a water right and the lands to which the right is appurtenant; that he has abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question owned by Robert W. Heilman is part of that evidenced by certificate recorded at Page 36324, Volume 28, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.07 cubic foot per second of water from Labish Drainage Ditch, with a priority date of July 26, 1962, for the irrigation of 3.9 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and supplemental irrigation of 1.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, Township 6 South, Range 2 West, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.62 cubic foot per second of water from Labish Drainage Ditch for the supplemental irrigation of 10.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, irrigation of 10.3 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 2.8 acres in Lot 4 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), 0.2 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within Morson D.L.C. 68, 4.3 acres in Lot 5 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ), 5.5 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 21, and 16.1 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 22, Township 6 South,

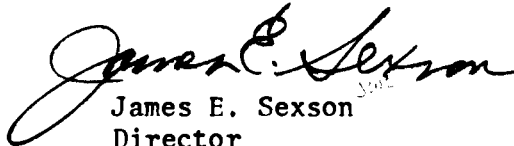
Range 2 West, W.M., is not in question in this proceeding.

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 cancellation 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 0.33 cubic foot per second of water from Labish Drainage Ditch, with a priority date of July 26, 1962, for the irrigation of 17.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , supplemental irrigation of 1.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, irrigation of 4.4 acres in Lot 2 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ), supplemental irrigation of 0.7 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and 2.7 acres in Lot 4 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 21, Township 6 South, Range 2 West, W.M., is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Page 36324, Volume 28, State Record of Water Right Certificates is canceled, and in lieu thereof a new certificate be issued to Lake Labish Water Control District covering that part of the water right not in question herein.

Dated at Salem, Oregon, this 2nd day of December, 1977.

  
James E. Sexson  
Director