

Linn County

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

O R D E R

On July 7, 1966, Gary V. and Roberta A. Hughes and Paul and Lamell Scarborough submitted affidavits that they are the legal owners of the following described tracts, to wit:

Beginning at a 5/8" rod on the west line of and 50.0 feet north of the southwest corner of Lot 4, Section 27, Township 10 South, Range 2 West, W.M., in Linn County, Oregon; thence north on west line of said Lot 4, 1,229.38 feet to a 1/2" pipe marking the northwest corner of said Lot 4; thence east on north line 448.80 feet to the northeast corner of said Lot 4; thence south along the east line of said Lot 4, 1,229.38 feet, more or less, to a point which is 90.0 feet north of the southeast corner of said Lot 4; thence west parallel to the south line of said Lot 4, 452.6 feet, more or less, to the point of beginning;

Beginning at a point in County Market Road No. 7 on the north-south center line of Section 27, Township 10 South, Range 2 West, W.M., in Linn County, Oregon; said point being 290 feet north of the South quarter corner of Section 27; thence north along the north-south center line of said Section 27, 35 feet; thence east parallel with the south line of said Section 27, 1,323.63 feet, more or less; thence prolonging east an additional 452.60 feet, more or less, to the west line of Stephen Stewart D.L.C. No. 59; thence south along the west line of said Section 27; thence west parallel to the south line of said Section 27, 1,776.23 feet, more or less, to the point of beginning;

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 the use of not to exceed 0.11 cubic foot per second of the waters of Crabtree Creek, a tributary of South Santiam River, for the irrigation of 8.9 acres in Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 27, Township 10 South, Range 2 West, W.M., with a date of priority of April 18, 1950, and is evidenced by certificate of water right issued in the name of Gary Vorderstrasse and recorded at page 22763, Volume 16, State Record of Water Right Certificates.

exceed 0.14 cubic foot per second of the waters of Crabtree Creek, a tributary of South Santiam River, for the irrigation of 10.8 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 34, Township 10 South, Range 2 West, W.M., with a date of priority of April 18, 1950, and recorded at page 22763, Volume 16, State Record of Water Right Certificates, 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 is hereby ORDERED that the right to the use of not to exceed 0.11 cubic foot of the waters of Crabtree Creek, a tributary of South Santiam River, for the irrigation of 8.9 acres in Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 27, Township 10 South, Range 2 West, W.M., with a date of priority of April 18, 1950, as evidenced by certificate of water right issued in the name of Gary Vorderstrasse and recorded at page 22763, Volume 16, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 22763, Volume 16, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Calvin B. and Billie J. McCowan, Route 3, Box 86, Scio, Oregon, covering that part of the water right not in question, which is for the use of not to exceed 0.14 cubic foot per second of the waters of Crabtree Creek, a tributary of South Santiam River, for the irrigation of 10.8 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 34, Township 10 South, Range 2 West, W.M., with a date of priority of April 18, 1950.

Dated at Salem, Oregon, this 16th day of July, 1966.



CHRIS L. WHEELER
State Engineer