

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE
CANCELATION OF A CERTAIN
WATER RIGHT IN THE NAMES
OF C. SMITH AND W. SMITH }

O R D E R

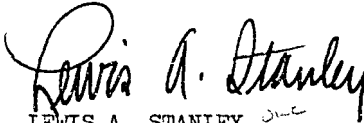
The certificate recorded at Volume 14, page 20166, State Record of Water Rights Certificates, was issued in the names of C. Smith and W. Smith in evidence of the right established under the permit No. 13672 to appropriate not to exceed 2.32 cubic feet per second of water with the priority date of May 8, 1939; being 1.50 cubic foot per second from Mission Creek within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 4 South, Range 2 West, W.M.; 0.24 cubic foot per second from Ady Lake within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 3 South, Range 2 West, W.M. and 0.58 cubic foot per second from the Willamette River within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34 for irrigation of a total of 186 acres of land within Sections 2, 3 and 10, Township 4 South, Range 2 West, W.M. and Section 34, Township 3 South, Range 2 West, W.M.

Tarolta P. Smith has submitted a sworn statement that she is the legal owner of the water right evidenced by the certificate recorded at Volume 14, page 20166, State Record of Water Rights Certificates, and the lands to which it is appurtenant; that with the exception of the appropriation of 0.58 cubic foot per second from the Willamette River within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 3 South, Range 2 West, W.M. for irrigation of 8.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 9.4 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 9.3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 11.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34 and 3.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 4 South, Range 2 West, W.M., all as projected within the Robert Ady Donation Land Claim No. 42, she has abandoned any and all interest in said water right and requests the same to be canceled.

It is ORDERED that the certificate recorded at Volume 14, page 20166, State Record of Water Rights Certificates, be and the same hereby is canceled.

It is FURTHER ORDERED that a superseding certificate be issued in the name of Tarolta P. Smith in evidence of the right to appropriate not to exceed 0.58 cubic foot per second of water from the Willamette River within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 3 South, Range 2 West, W.M., as projected within the Robert Ady Donation Land Claim No. 42, with the priority date of May 8, 1939, for irrigation of 8.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 9.4 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 9.3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 11.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34, and 3.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 4 South, Range 2 West, W.M., all as projected within the Robert Ady Donation Land Claim No. 42.

Dated at Salem, Oregon, this 18th day of May 1961.


LEWIS A. STANLEY *LS*
State Engineer