

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

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

O R D E R

On February 28, 1974, Loren D. and Laura L. Rush and H. Robert Gilkey 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 said water right and request the same to be canceled.

The water right in question is for the use of not to exceed 1.00 cubic foot per second of the waters from South Fork of Little Butte Creek for the development of power within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 37 South, Range 3 East, W.M., with a date of priority of February, 1894, and is evidenced by certificate of water right recorded at page 35085, Volume 27, State Record of Water Right Certificates.


That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.37 cubic foot per second of the waters of South Fork of Little Butte Creek for irrigation of 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 8.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 37 South, Range 3 East, W.M., with a date of priority of February, 1894, is not in question.

ORS 540.621 provides: "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 hereby is ORDERED that the right for the use of not to exceed 1.00 cubic foot per second of the waters of South Fork of Little Butte Creek for development of power within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18,

Township 37 South, Range 3 East, W.M., with a date of priority of February, 1894, is canceled.

Dated at Salem, Oregon, this 18th day of March, 1974.


CHRIS L. WHEELER
State Engineer 4