

BEFORE THE STATE ENGINEER OF OREGON

Lane County

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

O R D E R

On May 16, 1973, L. W. Tennis 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 requests the same to be canceled.

The water right in question is part of that evidenced by the certificate recorded at Volume 20, page 28098, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.26 cubic foot per second of water from a spring, with a priority date of January 5, 1959, for the irrigation of:

2.0 acres in Lot 8 (SW $\frac{1}{2}$  SE $\frac{1}{2}$ )  
0.2 acre in Lot 9 (SE $\frac{1}{2}$  SW $\frac{1}{2}$ )  
Section 23

5.5 acres in Lot 2 (NW $\frac{1}{2}$  NE $\frac{1}{2}$ )  
12.8 acres in NW $\frac{1}{2}$  NE $\frac{1}{2}$  as projected within Mitchell DLC 68  
0.1 acre in Lot 3 (NE $\frac{1}{2}$  NW $\frac{1}{2}$ )  
Section 26  
Township 18 South, Range 2 West, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.10 cubic foot per second of water from a spring, with a priority date of January 5, 1959, for the irrigation of:

0.4 acre in NW $\frac{1}{2}$  NE $\frac{1}{2}$  as projected within Mitchell DLC 68  
7.5 acres in NE $\frac{1}{2}$  NE $\frac{1}{2}$  as projected within Mitchell DLC 68  
0.5 acre in SE $\frac{1}{2}$  NW $\frac{1}{2}$  as projected within Mitchell DLC 68  
Section 26

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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 hereby is ORDERED that the water right for the use of 0.26 cubic foot per second of water from a spring, with a priority date of January 5, 1959, for the irrigation of:

2.0 acres in Lot 8 (SW $\frac{1}{2}$  SE $\frac{1}{2}$ )  
0.2 acre in Lot 9 (SE $\frac{1}{2}$  SW $\frac{1}{2}$ )  
Section 23

5.5 acres in Lot 2 (NW $\frac{1}{2}$  NE $\frac{1}{2}$ )  
12.8 acres in NW $\frac{1}{2}$  NE $\frac{1}{2}$  as projected within Mitchell DLC 68  
0.1 acre in Lot 3 (NE $\frac{1}{2}$  NW $\frac{1}{2}$ )  
Section 26

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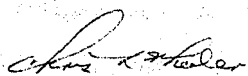
is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Volume 20, page 28098, is canceled and in lieu thereof a new certificate be issued to L. W. Tennis covering that part of the water right not in question which is for the appropriation of not to exceed 0.10 cubic foot per second of water from a spring, with a priority date of January 5, 1959, for the irrigation of:

0.4 acre in NW $\frac{1}{2}$  NE $\frac{1}{2}$  as projected within Mitchell DLC 68  
7.5 acres in NE $\frac{1}{2}$  NE $\frac{1}{2}$  as projected within Mitchell DLC 68  
0.5 acre in SE $\frac{1}{2}$  NW $\frac{1}{2}$  as projected within Mitchell DLC 68  
Section 26

Township 18 South, Range 2 West, W.M.

Dated at Salem, Oregon this 24th day of May, 1973.

  
CHRIS L. WHEELER  
State Engineer