

Clackamas County

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

ORDER

On April 21, 1972, James P. and Nancy N. Gillilan submitted affidavits that they are the owners of water rights and the lands to which the rights are appurtenant; that they have abandoned any and all interest in and to the said water rights and request the same be canceled.

The water rights in question are: for the storage of 0.6 acre foot of water from an unnamed stream as evidenced by the certificate recorded at page 28538, Volume 20, State Record of Water Right Certificates; and, for the appropriation of not to exceed 0.11 cubic foot per second of water from an unnamed stream and reservoir, with priority dates of January 3, 1957, for the irrigation of 6.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 and 2.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 South, Range 3 East, W.M., as evidenced by the certificate recorded at page 28539, Volume 20, State Record of Water Right Certificates.

That water right evidenced by certificate recorded at page 28539, Volume 20, State Record of Water Right Certificates, for the appropriation of not to exceed 0.12 cubic foot per second of water from Clear Creek, with a priority date of January 3, 1957, for the irrigation of 1.0 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 and 8.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 South, Range 3 East, W.M., is not in question.

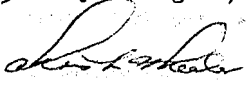
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the water right for

the storage of 0.6 acre foot of water from an unnamed stream as evidenced by the certificate recorded at page 28538, Volume 20, State Record of Water Right Certificates; and, for the appropriation of not to exceed 0.11 cubic foot per second of water from an unnamed stream and reservoir, with priority dates of January 3, 1957, for irrigation of 6.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 and 2.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 South, Range 3 East, W.M., as evidenced by the certificate recorded at page 28539, Volume 20, State Record of Water Right Certificates, are canceled.

It is FURTHER ORDERED that the certificate of water right recorded at pages 28538 and 28539, Volume 20, State Record of Water Right Certificates, are canceled and in lieu thereof a new certificate be issued to James P. and Nancy N. Gillilan covering the water rights not in question which are for the appropriation of not to exceed 0.12 cubic foot per second of water from Clear Creek, with a priority date of January 3, 1957, for the irrigation of 1.0 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 and 8.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 South, Range 3 East, W.M.

Dated at Salem, Oregon this 23rd day of August, 1972.


CHRIS L. WHEELER
State Engineer