

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE PARTIAL)  
CANCELATION OF A WATER RIGHT)  
IN THE NAME OF EDW. W. COLES)

O R D E R

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On January 11, 1963, Mr. Sterling Green submitted an affidavit that the Haines Cemetery Maintenance District is the owner of a portion of a certain water right and of the following described lands to which their portion of the right is appurtenant:

"Beginning at the northeast corner of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and running due west 800 feet; thence due south 250 feet; thence due east 800 feet; thence due north 250 feet to the place of beginning; of Section 21, Township 7 South, Range 39 East, W. M., in Baker County, Oregon, containing 4.59 acres more or less."

that they have abandoned any and all interest in and to the water right appurtenant to the above described property and request the same be canceled.

The water right in question is a part of that established by the decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Powder River and its Tributaries, for the irrigation of 4.59 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 7 South, Range 39 East, W. M., with a date of priority of 1890, which right is evidenced by certificate of water right issued to Edw. W. Coles and recorded at page 4073, Volume 5, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 1/40th cubic foot per second per acre for the irrigation of 100 acres with a date of priority of July, 1880, and 328.41 acres with a date of priority of 1890, from the waters of Rock Creek through the George Case and Oshorn Ditch, described as follows:

40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$	38 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 28,
40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$	37 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
38 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 20,	40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
35.41 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 21,	Section 29,
40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$	Township 7 South,
Section 28,	Range 39 East, W.M.

127 acres with a date of priority of 1880 from the waters of Sand Creek, through the Cole No. 2 Ditch, described as follows:

21 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
6 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$	20 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$	Section 28,
Section 28,	Township 7 South,
	Range 39 East, W.M.

171 acres with a date of priority of April 28, 1881, from the waters of Sand Creek, through the Coles ditch, described as follows:

6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
37 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 29,
8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$	Township 7 South,
Section 28,	Range 39 East, W.M.

86 acres with a date of priority of 1900, from the waters of Sand Creek, through the Cole No. 1 ditch, described as follows:

13 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$	14 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
34 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$	said Section 28,
25 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$	Township 7 South,
Section 28,	Range 39 East, W.M.

and 52 acres with a date of priority of 1906 from the waters of Powder River, through the Christensen-Toney Coles Ditch, described as follows:

4 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$	13 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
31 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$	said Section 28,
Section 27,	Township 7 South,
4 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$	Range 39 East, W.M.
Section 28,	

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 right to the use of the water from Rock Creek with a date of priority of 1890 for the irrigation of 4.59 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 7 South, Range 39 East, W. M., is canceled.

Dated at Salem, Oregon, this 3rd day of September, 1963.

*Noted on Decree  
Vol. 6 p. 373  
Cert. # 4073*

  
CHRIS L. WHEELER  
State Engineer