

BEFORE THE STATE ENGINEER OF OREGON

Lake County

IN THE MATTER OF A PARTIAL)
 CANCELATION OF A WATER RIGHT)
 IN THE NAME OF JONES AND LANE)

O R D E R

By Decree of the Circuit Court for Lake County, Oregon, entered May 15, 1923, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Goose Lake and its Tributaries, a water right was established in the name of Jones and Lane for the use of 8.5 cubic feet per second of the waters of Cottonwood Creek for the development of 33 horsepower, with a date of priority of 1879, and for irrigation of 37.1 acres, with a date of priority of 1879, as follows:

11.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
15.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 13
Section 14	0.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 12
Section 11	Township 38 South
	Range 18 East, W. M.

and irrigation of 125.6 acres from Cottonwood Creek, with a date of priority of 1881, as follows:

1.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$	17.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
18.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 11
14.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$	13.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
19.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 14
29.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$	Township 38 South
6.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$	Range 18 East, W. M.
4.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$	
Section 13	

and irrigation of 21.9 acres from Helfenstine Creek, with a date of priority of 1890, as follows:

16.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 13
 5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 24
 Township 38 South
 Range 18 East, W. M.

and irrigation of 20.5 acres from Misman Creek, with a date of priority of 1881, as follows:

14.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
6.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 11
Township 38 South
Range 18 East, W. M.

This right is evidenced by certificate of water right issued to Jones and Lane and recorded at page 5204, Volume 6, State Record of Water Right Certificates.

The owner of the land to which the water right for the development of power is appurtenant has failed for a period of five successive years ending after August 20, 1957, to pay the annual license fee or file the written statement as required by ORS 543.710 and 543.720.

ORS 543.730 provides that the failure of any claimant for a period of five successive years ending after August 20, 1957, to pay the annual license fee, as required by ORS 543.710, or file the written statement, as required by ORS 543.720, shall be conclusive evidence of the abandonment by the claimant of the claim and of all right to water for power purposes in connection with such claim.

That part of the water right evidenced by said certificate for the irrigation of 37.1 acres from Cottonwood Creek, with a date of priority of 1879, 125.6 acres from Cottonwood Creek with a date of priority of 1881, 20.5 acres from Misman Creek, with a date of priority of 1881, and 21.9 acres from Helfenstine Creek, with a date of priority of 1890, as hereinbefore described, is not in question.

It appearing that the right to the use of the water for power has been abandoned under the provisions of ORS 543.730, this part of the right should be canceled.

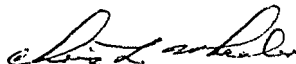
NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 8.5 cubic feet per second of the waters of Cottonwood Creek for the development of 33 horsepower, with a date of priority of 1879, is canceled.

It is FURTHER ORDERED that certificate issued to Jones and Lane and recorded at page 5204, Volume 6, State Record of Water Right Certificates, is canceled and in lieu thereof a certificate be issued to R. A. Briggs and Son for the use of the waters of Cottonwood Creek for the irrigation of 37.1 acres, with a date of priority of 1879, and 125.6 acres, with a date of priority of 1881, and the use of the waters of Misan Creek for the irrigation of 20.5 acres with a date of priority of 1881, and the waters of Helfenstine Creek for the irrigation of 21.9 acres, with a date of priority of 1890, as hereinbefore described.

Dated at Salem, Oregon, this 20th day of February, 1964.

*Mailed on January
Feb. 6 p. 552
Map # 5204*

Power Claim # 93



CHRIS L. WHEELER
State Engineer

Superseded by
Cert. No. 31425