

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

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

O R D E R

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On August 26, 1965, John Miller submitted an affidavit that he is the owner of the following described tract:

Beginning at a point on the west line of Lot 19, as shown on the recorded plat of Grand View Orchard Tract in the office of the County Recorder of Umatilla County, Oregon, said point being 411.05 feet north of the southwest corner of said Lot 19; thence east 523.50 feet to a point which is 410.56 feet north of the south line of said Lot 19; thence north past the north line of Lot 19, a total distance of 410.57 feet to a point which is 524.12 feet east of the west line of Lot 14 in said Grand View Orchard Tract; thence west 524.12 feet to the west line of Lot 14 at a point which is 62.1 feet north of the northwest corner of Lot 19; thence south along the west line of Lots 14 & 19, 411.05 feet to the point of beginning;

and the water right appurtenant thereto; that he has abandoned any and all interest in and to said water right and requests the same be canceled.

On July 9, 1968, William F. Metz submitted an affidavit that he is the owner of lands within Section 13, Township 6 North, Range 35 East, W.M., being within Lots 2 & 7, Grand View Orchard Tracts, and the water right appurtenant thereto; that he has abandoned any and all interest in and to said water right and requests the same be canceled.

The water right in question is for the use of not to exceed 0.337 cubic foot per second of the waters of spring branch, tributary of Walla Walla River, for irrigation of 13.6 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.9 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 6 North, Range 35 East, W.M., with a date of priority of July 16, 1909, and is evidenced by certificate of water right issued in the name of J. A. Bradley and recorded at page 31235, Volume 23, State Record of Water Right Certificates.

That part of said water right for the use of not to exceed 2.27 cubic feet per second of the waters of spring branch, tributary of Walla Walla River, for domestic use and irrigation of 12.9 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 26.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 31.6 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 40.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 40.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 30.1 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 6 North, Range 35 East, W.M., with a date of priority of July 16, 1909, as evidenced by certificate of water right recorded at page 31235, Volume 23, State Record of Water Right Certificates, is not in question in this proceeding.

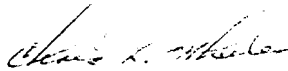
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancellation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the right to the use of not to exceed 0.337 cubic foot per second of the waters of spring branch, tributary of Walla Walla River, for irrigation of 13.6 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.9 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 6 North, Range 35 East, W.M., with a date of priority of July 16, 1909, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 31235, Volume 23, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to J. A. Bradley covering that part of the water right not in question which is for the use of not to exceed 2.27 cubic feet per second of the waters of spring branch, tributary of Walla Walla River, for domestic use and irrigation of 12.9 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 26.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 31.6 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 40.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 40.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 30.1 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 6 North, Range 35 East, W.M., with a date of priority of July 16, 1909.

Dated at Salem, Oregon, this 11th day of July, 1968.

*Amended Sp. Or. V 35, p 194*

  
CHRIS L. NEBELER  
State Engineer