

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF CANCELLATION)
OF A WATER RIGHT IN THE NAME)
OF CLYDE H. MORELAND FOR USE)
OF WATERS OF NELSON CREEK)

ORDER CANCELING
WATER RIGHT

The certificate issued to Clyde H. Moreland and recorded at page 9584, Volume 9, State Record of Water Right Certificates, describes a right to appropriate not to exceed 0.25 cubic foot per second of water from Nelson Creek within the NW¹/₄ NW¹/₄ of Section 23, Township 39 South, Range 7 West, W.M., under a priority date of September 3, 1929, for irrigation of a certain 20.0 acres of land, being in fact within the E¹/₂ NE¹/₄ of Section 22 and the W¹/₂ NW¹/₄ of Section 23 of said township and range.

On November 19, 1979 notice pursuant to the provisions of ORS 540.631 was given to C.H. Moreland and Ethel B. Moreland, c/o S.R. and Roberta Richards, and to Irwin Richards, as owners of record and/or occupants of real property to which a portion of the subject water right is appurtenant, of the proposed cancellation of that portion of the water right appurtenant to their lands.

None of the said parties has filed a protest against the proposed cancellation of water right.

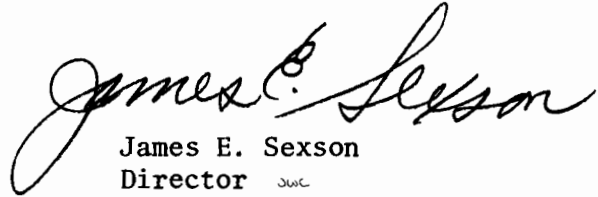
The balance of the subject water right is appurtenant to lands owned and occupied by Carlyle S. Warren and Verna M. Warren. Carlyle S. Warren and Verna M. Warren have certified that the entirety of their lands they irrigate from Nelson Creek under the provisions of the subject water right consists of 0.5 acre in SE¹/₄ NE¹/₄ of Section 22, 0.2 acre in NW¹/₄ NW¹/₄ and 0.7 acre in SW¹/₄ NW¹/₄ of Section 23, Township 39 South, Range 7 West, W.M.; and have submitted an affidavit to the Water Resources Director abandoning any and all interest in and to the balance of the subject water right which may be appurtenant to their lands.

Pursuant to the provisions of ORS 540.621 and 540.641(1), the right to appropriate not to exceed 0.23 cubic foot per second of water from Nelson Creek under a priority date of September 3, 1929, for irrigation of a certain 3.0 acres in NE¹/₄ NE¹/₄ and 1.5 acres in SE¹/₄ NE¹/₄ of Section 22; 3.8 acres in NW¹/₄ NW¹/₄ and 10.3 acres in SW¹/₄ NW¹/₄ of Section 23, Township 39 South, Range 7 West, W.M., should be canceled.

NOW, THEREFORE, it is ORDERED that the right to appropriate not to exceed 0.23 cubic foot per second of water from Nelson Creek under a priority date of September 3, 1929, for irrigation of a certain 3.0 acres in NE¹/₄ NE¹/₄ and 1.5 acres in SE¹/₄ NE¹/₄ of Section 22; 3.8 acres in NW¹/₄ NW¹/₄ and 10.3 acres in SW¹/₄ NW¹/₄ of Section 23, Township 39 South, Range 7 West, W.M., being a portion of the right described by the certificate issued to Clyde H. Moreland and recorded at page 9584, Volume 9, State Record of Water Right Certificates, be and the same hereby is canceled.

It is FURTHER ORDERED that the said certificate is canceled and that a new certificate be issued to Carlyle S. and Verna M. Warren to describe the remaining right to appropriate not to exceed 0.02 cubic foot per second of water from Nelson Creek under a priority date of September 3, 1929, for irrigation of a certain 0.5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22 and 0.2 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.7 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 39 South, Range 7 West, W.M.

Dated at Salem, Oregon this 28th day of May, 1980.


James E. Sexson
Director JWS