

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE)
CANCELATION OF A WATER)
RIGHT HELD BY ELDON M.)
AND BERNELLA J. CATES)
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ORDER OF DISMISSAL

A proceeding under ORS 540.631 to 540.650 for cancelation of the water right evidenced by water right certificate issued to M. E. Branch and recorded in Volume 12, at page 14226, State Record of Water Right Certificates, was initiated by the State Engineer by notice dated May 25, 1961.

Pursuant to said notice, Eldon M. and Bernella J. Cates, husband and wife, present owners of the land to which the water right applies, protested the cancelation and the matter was brought to hearing before the State Engineer on August 9, 1961.

The hearing developed that while the land irrigated under the subject water right was in Federal ownership from January 7, 1943 to December 16, 1947, indicating that there was no irrigation during the calendar years 1943 through 1947, the land was, in fact, irrigated and a valuable crop matured and harvested during the summer and fall of 1943, with the last irrigation in July or August. Testimony also disclosed that Mr. E. M. Cates irrigated 66 acres of corn in 1948, probably not later than the month of June.

The evidence presented shows that the period of non-use was less than five consecutive years.

THEREFORE, it is ORDERED that this proceeding be dismissed.

Dated at Salem, Oregon, this 10th day of August, 1961.

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer