

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Hood River County

IN THE MATTER OF THE CANCELATION)  
OF A WATER RIGHT IN THE NAME OF )  
MIDDLE FORK IRRIGATION DISTRICT )  
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O R D E R

On August 4, 1975, Cecil J. and Helen Snow, on August 4, 1975, Donald L. and Theresa S. Gardner, on August 19, 1975, Clifton G. and Bertha Fay Snow, on October 30, 1975, Donald R. and Janette Hoff, on October 30, 1975, Vernon B. and Emma S. Momberg, on October 30, 1975, First National Bank of Oregon, Portland, Oregon, on October 30, 1975, Rene F. and Jeanne M. Farwig, on October 30, 1975, Dale C. and Mary J. Blumenthal, on December 18, 1975, John D. Billodeau and on December 18, 1975, Donald N. and Mary Peterson submitted affidavits that they are the owners and contract purchasers of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

On January 9, 1976, notice was given by certified mail in accordance with the provisions of ORS 540.631 to 540.650 to James A. and Grace Eckes, Helen L. Hewitt, Richard L. Roberts, and Hood River County Board of Commissioners as owners and/or occupants of the land to which a water right hereinafter described is appurtenant of the Water Resources Director's intention to cancel said right.

The water right in question is for the use of not to exceed 0.54 cubic foot per second of the waters from Griswell Creek for the irrigation of 0.8 acre in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.3 acre in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.1 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 14.1 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 2.9 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 11.4 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5, and 11.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 8, Township 1 South, Range 10 East, W.M., with a date of priority of June 16, 1924, and is evidenced by

certificate of water right recorded at Page 20369, Volume 15, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.87 cubic foot per second of the waters of Griswell Creek for irrigation of 7.8 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 15.6 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 1 North, Range 10 East, W.M., 24.1 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 12.3 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.2 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 2.1 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 0.3 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5, Township 1 South, Range 10 East, W.M., with a date of priority of June 16, 1924, is not in question in this proceeding.

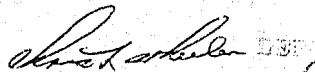
ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

That part of the above described water right in question which is not subject to cancellation under the provisions of ORS 540.621 may be canceled under the provisions of ORS 540.641 which provides for the cancellation of the water right if no protest is filed within the 60 day period immediately following the notice. No protest having been filed against the proposed cancellation of the water right in question within the 60 day period immediately following the notice, the water right should be canceled under provisions of ORS 540.621 (1).

NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 0.54 cubic foot per second of the waters of Griswell Creek for the irrigation of 0.8 acre in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.3 acre in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.1 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 4.6 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 2.9 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ ,

11.4 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5, and 11.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 8,  
Township 1 South, Range 10 East, W.M., with a date of priority of June 16,  
1924, is canceled.

Dated at Salem, Oregon, this 8th day of June, 1976.



JAMES E. SEXSON  
Director