

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE PARTIAL )  
CANCELANON OF A WATER RIGHT )  
IN THE NAME OF THE ESTATE OF )  
J. W. SEAT. ----- )

ORDER

On March 20, 1963 notice was given by certified mail pursuant to the provisions of ORS 540.631 to 540.650 to David A. Dillon and Rosamary Dillon, 935 South Hawthorne Blvd., Los Angeles, California and to Harold D. Sansom and Mary Belle Sansom, Route 1, Box 790, Cave Junction, Oregon, owners and occupants of the real property to which the water right in question is appurtenant, of the State Engineer's intention to cancel said water right.

The water right in question is a part of the right established in the name of the Estate of J. W. Seat by Decree of the Circuit Court for Josephine County, entered September 26, 1939, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Illinois River, a tributary of Rogue River, and is evidenced by a certificate issued to the Estate of J. W. Seat and recorded at page 13919, Volume 12, State Record of Water Right Certificates.

Said right in question is for the appropriation of the waters of Rough and Ready Creek through the Woodcock Ditch for the irrigation of 26.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 25.6 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  and 27.6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 5, Township 40 South, Range 8 West, W.M., with a date of priority of 1902.

On May 20, 1963, a protest against the proposed cancelation of said water right was filed in the office of the State Engineer by William M. Sloan of the firm of Johnson, Telfer and Sloan, Attorneys at Law, Grants Pass, Oregon, on behalf of David A. Dillon and Rosamary Dillon.

Pursuant to the State Engineer's notice of July 31, 1963, the matter of the protest was set for hearing in the Josephine County Courthouse at Grants Pass on Thursday, August 22, 1963, commencing at 9:30 o'clock A.M. Subsequently upon request of counsel, said hearing was postponed until September 24, 1963.

On September 20, 1963, a stipulation was received in the office of the State Engineer, executed by Lewis N. Krauss and Lew F. Krauss, affiants, and David A. Dillon and Rosamary Dillon, protestants and owners of the property involved. The pertinent part of said stipulation being that all of said water

right in question should be canceled except 25.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 5, Township 40 South, Range 8 West, W.M. upon which the water right was to remain valid with the existing priority of 1902, and that a new certificate of water right be issued for the irrigation of 25.0 acres.

A survey of the area made by Mr. Robert B. Steimer, Watermaster of District No. 14, to determine the location of said 25.0 acres with respect to the two government subdivisions involved disclosed that 16.2 acres are located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and 8.8 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , said Section 5.

NOW, THEREFORE, it hereby is ORDERED that the water right in question as hereinabove described, is canceled and that a water right certificate shall be issued to David A. Dillon and Rosamary Dillon evidencing a right to the appropriation of 0.5 cubic foot per second of the waters of Rough and Ready Creek, tributary of Illinois River, for the irrigation of 16.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and 8.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 5, Township 40 South, Range 8 West, W.M., with a date of priority of 1902.

Dated at Salem, Oregon, this 10th day of March, 1964.

*Noted on Dec. 10  
1963 p. 119  
Ord. # 13919*

*Chris L. Wheeler*  
CHRIS L. WHEELER  
State Engineer.

*843 21. 10. 1964. This right?  
See Case File # 84*

Superseded by  
Ord. No. 31729

*See also Sp. 13, Vol. 13, p. 463  
Entrance of right cancelled.*