

BEFORE THE STATE ENGINEER OF OREGON

Linn County

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

O R D E R

On September 21, 1966, Ray Maddy and Velma Maddy submitted an affidavit that they are the legal owners of the following described lands:

beginning N. 35° 45' W. 15.61 chains from the NE corner of Section 25, Township 11 South, Range 4 West, W.M., in Linn County, Oregon; and running thence W. parallel with the S. boundary line of the Robert E. Harmon DLC #77 a distance of 87.65 chains, more or less, to the W. boundary line of said claim; thence N. 12.95 chains to a point 26.67 chains S. of the NW corner of said DLC. #77; thence E. 21.59 chains; thence S. 20 feet; thence E. parallel with the N. boundary line of said claim #77 a distance of 60.76 chains to the E. line of said Claim; thence S. 1° E. 5.83 chains to the SW corner of the Truett Davis DLC. #38; thence S. 35° 45' E. 8.39 chains to the place of Beginning.

and the water right appurtenant to said lands; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is for the use of not to exceed 0.07 cubic foot per second of the waters of Maddy's Pond, a tributary of Calapooia River, for the irrigation of 3.8 acres in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, and 2.0 acres in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, as projected within R. Harmon DLC #77, Section 24, Township 11 South, Range 4 West, W.M., with the date of priority of August 18, 1953, and is evidenced by certificate of water right issued in the name of Ray and Velma Maddy and recorded in page 23689, Volume 17, State Record of Water Right Certificates.

That part of the above described water right which is for the use of not to exceed 0.24 cubic foot per second of the water of Maddy's Pond, a tributary of Calapooia River, for the irrigation of 8.7 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.3 acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.1 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, all as projected within R. Harmon DLC #77, Section 24, Township

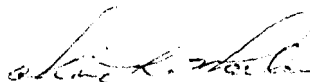
11 South, Range 4 West, W.M., with the date of priority of August 18, 1953, is not in question.

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 cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, is is hereby ORDERED that the right to the use of not to exceed 0.07 cubic foot per second of the water of Maddy's Pond, a tributary of Calapooia River, for the irrigation of 3.8 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within R. Harmon ULC #77, Section 24, Township 11 South, Range 4 West, W.M., with a date of priority of August 18, 1953, and evidenced by certificate of water right recorded at page 23689, Volume 17, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 23689, Volume 17, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Ray and Velma Maddy covering that part of the water right not in question which is for the use of not to exceed 0.24 cubic foot per second of the waters of Maddy's Pond, a tributary of the Calapooia River, for the irrigation of 8.7 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.3 acres in the N $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.1 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, all as projected within R. Harmon DLC #77, Section 24, Township 11 South, Range 4 West, W.M., with the date of priority of August 18, 1953.

Dated at Salem, Oregon this 23rd day of September, 1966.



CHRIS L. WHEELER
State Engineer