

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF)
THE CANCELATION)
OF WATER RIGHTS)

O R D E R

On July 25, 1968, George A. and Helen M. Russ submitted an affidavit that they are the owners of the following described lands:

Tract One, described as follows: Beginning at a point in the approximate center of Jones Ditch which point is north $88^{\circ} 57'$ East 20 feet and 1306.58 feet north $19'$ east and 1007.78 feet north $89^{\circ} 49'$ east of the southwest corner of Section 14, Township 6 South, Range 2 West, of the Willamette Meridian, Marion County, Oregon, and running thence north $89^{\circ} 49'$ East along the approximate center of Jones Ditch 420.0 feet; thence South $19'$ West 1077.65 feet to an iron pipe set for the southeast corner of this Tract One; thence South $88^{\circ} 42'$ West 420.5 feet to an iron pipe set for the southwest corner of this Tract One; thence North $19'$ East 1090.83 feet to approximate center of Jones Ditch and point of beginning,

Tract Two, described as follows: Beginning at the southeast corner of above Tract One and running thence North $19'$ East along east line of said Tract One 1077.65 feet to the approximate center of Jones Ditch; thence North $89^{\circ} 49'$ East down the approximate center of Jones Ditch 225 feet; thence South $19'$ West 22.5 feet to an iron pipe set in East line of this Tract Two; thence South $19'$ West 922.66 feet to an iron pipe set for the most Easterly Southeast corner of this Tract Two; thence South $82^{\circ} 49'$ West 22.55 feet to iron pipe set for interior corner of this Tract Two; thence South $7^{\circ} 11'$ East 20 feet to iron pipe; thence South $82^{\circ} 49'$ West 60.7 feet to iron pipe set for interior corner; thence South $19'$ West 105.03 feet to iron pipe set for the most southerly southeast corner of this Tract Two; thence South $88^{\circ} 42'$ West 145.88 feet to an iron pipe set for the southwest corner of this Tract Two and the Southeast corner of above Tract One and the point of beginning,

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

The water rights in question are:

(a) For the use of not to exceed 0.19 cubic foot per second of the waters of Little Pudding River, tributary of Pudding River, for irrigation of 7.1 acres in SW $\frac{1}{4}$, SW $\frac{1}{4}$ and 8.0 acres in SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 14, Township 6 South,

Range 2 West, W.M., with a date of priority of June 17, 1924, and is evidenced by certificate of water right issued in the name of E. A. & J. O. Hayes and recorded at page 7780, Volume 7, State Record of Water Right Certificates;

(b) For the use of not to exceed 0.19 cubic foot per second of the Drainage water from Lake Labish Bed and other lands for supplemental irrigation of 7.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 6 South, Range 2 West, W.M., with a date of priority of April 8, 1941, a portion of the remaining right under the provisions of the Special Order of the State Engineer entered January 24, 1968 and recorded in Volume 16, page 441, Special Order Record of the State Engineer.

The said Special Order of the State Engineer entered January 24, 1968 provided for the issuance of a certificate of water right in the name of Hayes Labish Farm for the use of not to exceed 1.01 cubic feet per second of the Drainage water from Lake Labish Bed and other lands for supplemental irrigation of 0.3 acre in Lot 3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), 4.9 acres in Lot 11 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$), 2.0 acres in Lot 4 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), 42.5 acres in Lot 13 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$), 2.6 acres in Lot 5 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$), 24.3 acres in Lot 12 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), 0.8 acre in Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and 3.4 acres in Lot 10 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 14, Township 6 South, Range 2 West, W.M., with a date of priority of April 8, 1941. The certificate has not been issued.

That part of the water right described in the preceding paragraph for the use of not to exceed 0.82 cubic foot per second of the Drainage water from Lake Labish Bed and other lands for supplemental irrigation of

0.3 acre in Lot 3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
4.9 acres in Lot 11 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$)
2.0 acres in Lot 4 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
35.4 acres in Lot 13 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$)
2.6 acres in Lot 5 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$)
16.3 acres in Lot 12 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
0.8 acre in Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
3.4 acres in Lot 10 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 14
Township 6 South, Range 2 West, W.M.

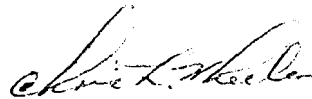
is not in question in this proceeding.

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, it is hereby ORDERED that the right to the use of not to exceed 0.19 cubic foot per second of the waters of Little Pudding River for irrigation of 7.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 6 South, Range 2 West, W.M., with a date of priority of June 17, 1924, as evidenced by certificate of water right recorded at page 7780, Volume 7, State Record of Water Right Certificates, is canceled; and for the use of not to exceed 0.19 cubic foot per second of the Drainage water from Lake Labish Bed and other lands for supplemental irrigation of 7.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 6 South, Range 2 West, W.M., with a date of priority of April 8, 1941, is canceled.

It is FURTHER ORDERED that the certificate to be issued under the provisions of the order entered January 24, 1968 and recorded at page 441, Volume 16, Special Order Record be issued as modified by the provisions of this order.

Dated at Salem, Oregon, this 30th day of July, 1968.



CHRIS L. WHEELER
State Engineer