

BEFORE THE STATE ENGINEER OF OREGON

Marion County

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

O R D E R

On July 23, 1971, Roy E. Olson, acting Landscape Engineer for the Highway Division of the Department of Transportation, submitted an affidavit that the Oregon State Highway Commission is the owner of a water right and the lands to which the right is appurtenant; that the Oregon State Highway Commission abandoned any and all interest in and to said water right and requests the same to be canceled.

The water right in question is for the use of not to exceed 0.15 cubic foot per second of the waters from Horsley Well for the supplemental irrigation of 6.9 acres in the NW¼ NE¼ and 5.0 acres in Lot 1 (NE¼ NW¼), Section 1, Township 40 South, Range 8 East, W.M., with a date of priority of June 27, 1955, and is evidenced by certificate of water right recorded at page 26901, Volume 19, State Record of Water Right Certificates.

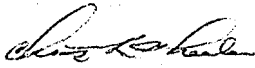
That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.29 cubic foot per second of the waters of Horsley Well for primary irrigation of 2.5 acres and supplemental irrigation of 20.8 acres in the NW¼ NE¼, Section 1, Township 40 South, Range 8 East, W.M., with a date of priority of June 27, 1955, is not in question.

ORS 540.621 provides: "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 hereby is ORDERED that the right for the use of not to exceed 0.15 cubic foot per second of the waters of Horsley Well for the supplemental irrigation of 6.9 acres in the NW¼ NE¼ and 5.0 acres in Lot 1 (NE¼ NW¼), Section 1, Township 40 South, Range 8 East, W.M., with a date of priority of June 27, 1955, is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at page 26901, Volume 19, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Carol E. Horsley covering that part of the water right not in question which is for the appropriation of not to exceed 0.29 cubic foot per second of the waters of Horsley Well, with a date of priority of June 27, 1955, for primary irrigation of 2.5 acres and supplemental irrigation of 20.8 acres in the NW¼ NE¼, Section 1, Township 40 South, Range 8 East, W.M.

Dated at Salem, Oregon, this 27th day of October, 1971.


CHRIS L. WHEELER
State Engineer