

BEFORE THE STATE ENGINEER OF OREGON

Marion County

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

O R D E R

On September 29, 1971, Roy E. Olson, acting as 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 has 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 0.21 cubic foot per second of the waters from a well for the irrigation of:

8.3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 36,
Township 39 South, Range 8 East, W.M.,

with a date of priority of September 3, 1947, and is evidenced by certificate of water right recorded at page 16615, Volume 13, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.69 cubic foot per second of the waters of a well for irrigation of:

14.7 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
12.98 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 36,
Township 39 South, Range 8 East, W.M.,

with a date of priority of September 3, 1947, 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 0.21 cubic foot per second of the waters of a well for the irrigation of:

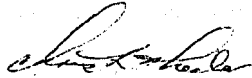
8.3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 36,
Township 39 South, Range 8 East, W.M.,

with a date of priority of September 3, 1947, is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at page 16615, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Charles Bennett covering that part of the water right not in question which is for the appropriation of not to exceed 0.69 cubic foot per second of the waters of a well with a date of priority of September 3, 1947, for irrigation of:

14.7 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
12.98 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 36,
Township 39 South, Range 8 East, W.M.

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


CHRIS L. WHEELER
State Engineer