

BEFORE THE STATE ENGINEER OF OREGON
Douglas County

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

O R D E R

On November 23, 1970, Douglas County Board of Commissioners submitted an affidavit that Douglas County is the owner of a water right and the lands to which the right is appurtenant; that Douglas County has abandoned any and all interest in and to the said water right and request the same to be canceled.

The water right in question is part of that evidenced by the certificate recorded at Volume 16, Page 22495, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.03 cubic foot per second of water from Elk Creek, with a priority date of August 2, 1950, for irrigation of 0.1 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.4 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 22 South, Range 5 West, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.71 cubic foot per second of water from Elk Creek, with a priority date of August 2, 1950, for irrigation of 1.4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 36.6 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.3 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 2.6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 22 South, Range 5 West, W.M., is not in question and an application for approval of a change in point of diversion for the irrigation of these lands has been filed.

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 hereby is ORDERED that the right for the use of 0.03 cubic foot per second of water from Elk Creek with a date of priority of

August 2, 1950, for irrigation of 0.1 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.4 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 22 South, Range 5 West, W.M. is canceled.

Dated at Salem, Oregon, this 1st day of December, 1970.

Chris L. Wheeler
CHRIS L. WHEELER
State Engineer