

BEFORE THE STATE ENGINEER OF OREGON

Marion County

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

ORDER

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 request 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 an unnamed spring and open cut for the irrigation of:

5.0 acres in Lot 1 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
6.9 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 1,  
Township 40 South, Range 8 East, W.M.,

with a date of priority of March 31, 1936, and is evidenced by certificate of water right recorded at page 11667, Volume 10, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.65 cubic foot per second of the waters of an unnamed spring and open cut for irrigation of:

28.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$   
20.8 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$   
1.7 acres in Lot 2 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ )  
Section 1,  
Township 40 South, Range 8 East, W.M.

1.0 acre in the SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 6,  
Township 40 South, Range 9 East, W.M.,

with a date of priority of March 31, 1936, 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 an unnamed spring and open cut for the irrigation of:

5.0 acres in Lot 1 (NE¼ NW¼)  
6.9 acres in the NW¼ NE¼  
Section 1,  
Township 40 South, Range 8 East, W.M.,

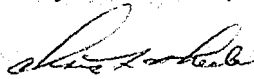
with a date of priority of March 31, 1936, is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at page 11667, Volume 10, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to J. H. Phipps covering that part of the water right not in question which is for the appropriation of not to exceed 0.65 cubic foot per second of the waters of an unnamed spring and open cut, a tributary of Klamath River, with a date of priority of March 31, 1936, for irrigation of:

28.5 acres in the NE¼ NE¼  
20.8 acres in the NW¼ NE¼  
1.7 acres in Lot 2 (SW¼ NE¼)  
Section 1,  
Township 40 South, Range 8 East, W.M.

1.0 acre in the SW¼ NW¼  
Section 6,  
Township 40 South, Range 9 East, W.M.,

Dated at Salem, Oregon, this 27<sup>th</sup> day of October, 1971.

  
CHRIS L. WHEELER  
State Engineer