

BEFORE THE STATE ENGINEER OF OREGON

Klamath County

IN THE MATTER OF )  
THE CANCELLATION )  
OF WATER RIGHTS )

O R D E R

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On July 29, 1968, Jerold D. & Gwendlyn D. Dillavou submitted an affidavit that they are the owners of the following described lands:

PARCEL IV: A portion of Lots 3 & 4, Section 2, Township 37 South, Range 14 East, W.M., described as follows:

Beginning on the north line of Section 2, Township 37 South, Range 14 East, W.M., a distance of 840 feet west of the northeast corner of the northwest quarter thereof, thence south along the west boundary as extended a distance of 1303.0 feet, more or less to the northerly right of way boundary of Klamath Falls, Lakeview Highway; thence N. 66° 43' W. along said highway boundary, a distance of 1596.5 feet, more or less, to the easterly boundary of that particular tract of land described in Volume 300, page 126, of Deed of Records of Klamath County; thence N. 6° E. along said easterly boundary, 672.0 feet to the north boundary of Section 2; thence east along the north boundary of Section 2, 1465.0 feet, more or less, to 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 0.10 cubic foot per second for domestic and 0.42 cubic foot per second for irrigation of the waters of Fish Hole Creek and water stored in Devils Lake Reservoir, tributaries of Sprague River, for irrigation of 14.5 acres in NE¼ NW¼, and 18.7 acres in NW¼ NW¼, Section 2, Township 37 South, Range 14 East, W.M., with a date of priority of October 11, 1910, as evidenced by certificate of water right issued in the name of Sprague River Land & Livestock Company and recorded at page 2480, Volume 3, State Record of Water Right Certificates;

(b) As established by Decree of the Circuit Court for Klamath County, entered February 5, 1930, in the Matter of the Determination of the

Relative Rights to the Use of the Waters of Sprague River and its Tributaries (outside of the Klamath Indian Reservation), in the name of J. O. Watts, for the use of not to exceed one-fortieth of a cubic foot per second per acre, prior to June 15th, and one-eightieth of a cubic foot per second per acre after June 15th, total limitation of three acre feet per acre from March 1st to October 1st of each year of the waters of Fish Hole Creek for irrigation of 4.2 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 16.5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 2, Township 37 South, Range 14 East, W.M., with a date of priority of 1880 and the waters of South Fork of Sprague River, through the Bly Ditch, for supplemental irrigation of 16.5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 2, Township 37 South, Range 14 East, W.M., with a date of priority of 1900, as evidenced by certificate of water right recorded at page 10004, Volume 9, State Record of Water Right Certificates.

That part of the water right for the use of not to exceed 3.14 cubic feet per second of the waters of Fish Hole Creek and water stored in Devils Lake Reservoir for irrigation is:

15.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 21.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$   
 35.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 25.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$   
 25.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$   
 35.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
 40.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 15.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 Section 2

30.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$   
 10.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 Section 14

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with a date of priority of October 11, 1910, as evidenced by certificate of water right recorded at page 2480, Volume 3, State Record of Water Right Certificates, and

For the use of not to exceed one-fortieth of a cubic foot per second per acre, prior to June 15th, one-eightieth of a cubic foot per second per acre after June 15th, with a total limitation of three acre feet

W.M., with a date of priority of 1880, and the waters of South Fork Sprague River through the Ely Ditch, for supplemental irrigation of 16.5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 2, Township 37 South, Range 14 East, W.M., with a date of priority of 1900, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 2480, Volume 3, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Sprague River Land & Livestock Company covering that part of the water right not in question which is for the use of not to exceed 3.14 cubic feet per second of the waters of Fish Hole Creek and water stored in Devils Lake Reservoir for irrigation of:

15.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
21.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$   
35.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$   
25.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$   
25.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$   
35.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
40.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
15.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 2

30.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$   
10.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 14

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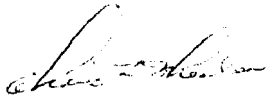
with a date of priority of October 11, 1910.

It is FURTHER ORDERED that certificate of water right recorded at page 10004, Volume 9, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to J. O. Watts covering that part of the water right not in question which is for the use of not to exceed one-fortieth of a cubic foot per second per acre, prior to June 15th, one-eightieth of a cubic foot per second per acre, after June 15th, with a total limitation of three acre feet per acre from March 1st to October 1st of each year of the waters of Fish Hole Creek for Tract I and South Fork of Sprague River for Tract II, with dates of priority of 1880 for Tract I and 1900 for Tract II, for irrigation of:

TRACT NO. I  
 0.8 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 21.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$   
 31.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 17.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$   
 23.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$   
 8.9 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
 16.8 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 10.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
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TRACT NO. II  
 11.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 14.3 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$   
 9.1 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 21.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$   
 31.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 17.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$   
 33.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$   
 8.9 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
 26.8 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 17.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 Section 2  
 T. 37 S. R. 14 E., W.M.

Dated at Salem, Oregon, this 2nd day of August, 1968.

  
 CHRIS L. WHEELER  
 State Engineer