

BEFORE THE STATE ENGINEER OF OREGON

Klamath County

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

O R D E R

On February 8, 1973, Mildred F. Fitzgerald submitted an affidavit that she is the owner of a water right and the lands to which the right is appurtenant; that she has abandoned any and all interest in and to said water right and requests the same be canceled.

The water right in question is for the use of not to exceed 0.87 cubic foot per second of water from Klamath River for the irrigation of:

4.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
28.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
36.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 27

Township 39 South, Range 8 East, W.M.

with a date of priority of March 6, 1920, and is evidenced by certificate of water right recorded at page 5563, Volume 6, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 3.98 cubic feet per second of water from Klamath River for the irrigation of:

35.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
5.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
3.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
38.0 acres in Lot 4
Section 27

42.55 acres in Lot 1
19.6 acres in Lot 2
5.58 acres in Lot 3
13.05 acres in Lot 4
28.05 acres in Lot 5
13.25 acres in Lot 6
34.65 acres in Lot 7
28.9 acres in Lot 8
4.0 acres in Lot 12
Section 34

1.6 acres in Lot 1
Section 35
Township 39 South, Range 8 East, W.M.

with a date of priority of March 6, 1920, 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 0.87 cubic foot per second of water from Klamath River for the irrigation of:

4.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
28.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
36.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 27

Township 39 South, Range 8 East, W.M.

with a date of priority of March 6, 1920, is canceled.

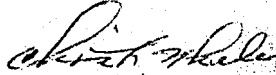
It is FURTHER ORDERED that the certificate of water right recorded at page 5563, Volume 6, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to H. F. Murdoch covering that part of the water right not in question which is for the appropriation of not to exceed 3.98 cubic feet per second of water from Klamath River, with a date of priority of March 6, 1920, for the irrigation of:

35.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
5.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
3.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
38.0 acres in Lot 4
Section 27

42.55 acres in Lot 1
19.6 acres in Lot 2
5.58 acres in Lot 3
13.05 acres in Lot 4
28.05 acres in Lot 5
13.25 acres in Lot 6
34.65 acres in Lot 7
28.9 acres in Lot 8
4.0 acres in Lot 12
Section 34

1.6 acres in Lot 1
Section 35
Township 39 South, Range 8 East, W.M.

Dated at Salem, Oregon, this 22nd day of March, 1973.



CHRIS L. WHEELER
State Engineer