

Marion County

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

ORDER

On June 2, 1969, Pete Lelack submitted an affidavit that he is the owner of the following described lands:

Lot Sixteen of Hayes-Labish Farms Subdivision No. 3 as shown by the duly recorded plat thereof on file in the County Recorder's office in Marion County, Oregon; also the westerly one-half of Lot Fifteen of said Hayes-Labish Farms Subdivision No. 3, being all that portion of said Lot Fifteen lying Westerly of a line drawn parallel with and equidistant from the Easterly and Westerly line of said Lot Fifteen, said line also being drawn the full distance from the Easterly side of the County Road to the center of Little Pudding River.

Parcel No. 1: Lot 8, Hayes Labish Farms Subdivision No. 2, in Marion County, Oregon.

Parcel No. 2: Beginning at an iron pipe set on the South boundary of the Donation Land Claim of James Webb and wife, in Township 6 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point 36.947 chains East of the Southwest corner of said claim; and from thence running East 6.28 chains to an iron pipe; thence South 13.55 chains to an iron pipe; thence South 52° 14' West 7.94 chains to an iron pipe; thence North 18.43 chains to the place of beginning, being situated in Sections 11 and 14, in Township 6 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon.

Parcel No. 3: Beginning at an iron pipe on the South line of the James Webb Donation Land Claim 35.12 chains East from the Southwest corner thereof in Township 6 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; thence North 12' West 11.913 chains; thence East 20.30 chains to a point 5 links East of the West line of the County Road; thence South 13' East 11.913 chains to the South line of said Claim; thence West along the South line of said Claim 20.35 chains to the place of beginning.

and the water right appurtenant thereto, that he 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 0.31 cubic foot per second of the waters of Little Pudding River, tributary of

Pudding River, for irrigation of:

6.57 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
0.96 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 12

0.53 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$
16.95 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 13

Township 6 South, Range 2 West, W.M.,

with a date of priority of June 17, 1924, as evidenced by certificate of water right issued in the name of E. A. & J. O. Hayes and recorded at page 7780, Volume 7, State Record of Water Right Certificates.

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 is hereby ORDERED that the right for the use of not to exceed 0.31 cubic foot per second of the waters of Little Pudding River, tributary of Pudding River, for irrigation of:

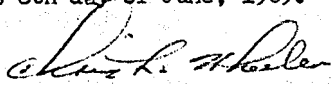
6.57 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
0.96 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 12

0.53 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$
16.95 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 13

Township 6 South, Range 2 West, W.M.,

with a date of priority of June 17, 1924, as evidenced by certificate of water right recorded at page 7780, Volume 7, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon this 6th day of June, 1969.


CHRIS L. WHEELER
State Engineer