

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

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

O R D E R

On July 5, 1962 notice was given by certified mail pursuant to the provisions of ORS 540.631 to 540.650, to the United States Department of Interior, Bureau of Land Management, 710 N. E. Holliday Street, Portland 12, Oregon and to the State Land Board, State Capitol Building, Salem, Oregon, owners of the land to which a water right hereinafter described is appurtenant, of the State Engineer's intention to cancel said water right. The land in question is not occupied.

The water right in question was established by decree of the Circuit Court for Crook County, now Deschutes County, entered May 1, 1911 in the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, tributary to Deschutes River, and confirmed by certificate issued to Chas. L., G. W. and John B. Wimer and recorded at page 103, Volume 1, State Record of Water Right Certificates and evidences a right to the use of the waters of Tumalo Creek through the Wimer Ditch for domestic use and the irrigation of 29.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 38.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 40.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 16 South, Range 11 East, W.M. with a date of priority of August 5, 1900.

That part of the right confirmed by the above certificate for domestic use and the irrigation of 11.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 16 South, Range 11 East, W.M. was transferred to other lands by Order of the State Engineer recorded in Special Order Record, Volume 4, page 277, and is not in question.

No protest having been filed against the proposed cancellation of water right within the sixty-day period immediately following the notice, the water right should be canceled.

NOW, THEREFORE, it is ORDERED that the water right evidenced by certificate of water right heretofore issued to Chas. L., G. W. and John B. Wimer and recorded at page 103, Volume 1, State Record of Water Right Certificates, be and the same hereby is canceled.

Dated at Salem, Oregon this 8th day of January 1963.

*Noted on Decker
Vol. 1 p. 139
Cert. #103*

Chris L. Wheeler
CHRIS L. WHEELER
State Engineer