

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Union County

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

On October 10, 1974, the State Engineer (now Water Resources Director) entered an order canceling a portion of a water right in the name of Caldwell Ditch Company. It appears that the quantity of water allowed said company under the terms of the water right in question was not the maximum allowable under the duty as set by the Decree of the Circuit Court for Union County. Mr. Smedberg does not have sufficient shares in the company to cover his irrigable land, therefore, the cancelation order should not have canceled a quantity of water.

NOW, THEREFORE, it is hereby ORDERED that the order of the State Engineer dated October 10, 1974 is amended to read as follows:

The water right in question is part of that evidenced by the certificate recorded at Volum. 1, page 332, State Record of Water Right Certificates, and is for the irrigation of 2.3 acres located south of Murphy Creek within the E $\frac{1}{2}$  NW $\frac{1}{2}$  SE $\frac{1}{2}$  NW $\frac{1}{2}$ , Section 15, Township 3 South, Range 40 East, W.M., from Mill Creek, with a priority date of 1866, as established by Decree of the Circuit Court for Union County entered December 26, 1911 in the name of Caldwell Ditch Company.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 3.41 cubic feet per second of water from Mill Creek, with a priority date of 1866 for irrigation of:

3.5 acres SE $\frac{1}{2}$  NE $\frac{1}{2}$   
40.0 acres SW $\frac{1}{2}$  NE $\frac{1}{2}$   
37.7 acres SE $\frac{1}{2}$  NW $\frac{1}{2}$   
37.0 acres NE $\frac{1}{2}$  SW $\frac{1}{2}$   
34.0 acres SE $\frac{1}{2}$  SW $\frac{1}{2}$   
21.0 acres NE $\frac{1}{2}$  SE $\frac{1}{2}$   
30.0 acres NW $\frac{1}{2}$  SE $\frac{1}{2}$   
30.5 acres SW $\frac{1}{2}$  SE $\frac{1}{2}$   
24.0 acres SE $\frac{1}{2}$  SE $\frac{1}{2}$   
Section 15

31.5 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
38.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
18.0 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
14.0 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
8.0 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 22

13.0 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
3.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 23

Township 3 South, Range 40 East, W.M.,

is not in question.

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 cancellation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the water right for the irrigation of 2.3 acres located south of Murphy Creek within the E $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 15, Township 3 South, Range 40 East, W.M., from Mill Creek with a date of priority of 1866, is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Volume 1, page 332 is canceled and in lieu thereof a new certificate be issued to Caldwell Ditch Company covering that part of the water right not in question.

Dated and signed at Salem, Oregon this 8th day of January, 1976.

  
JAMES E. SEXSON  
Water Resources Director *209*