

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF CANCELLATION)
OF A CERTAIN WATER RIGHT IN)
THE NAME OF MARGARET F.)
LACHMUND _ _ _ _ _)

O R D E R
AMENDING PRIOR ORDER

Under the provisions of O. R. S. 540.621, on May 7, 1974, the State Engineer entered an administrative order providing for the cancellation of a water right evidenced by the certificate issued to Margaret F. Lachmund recorded at Page 16842, Volume 14, State Record of Water Right Certificates.

The proceeding for cancellation of said water right was initiated by an affidavit submitted by David E. Kennedy, acting for Green Villa Farms advising that Green Villa Farms were the owners of the lands to which said water right was appurtenant and that they abandoned any and all interest in and to said water right and requested the same be canceled.

Subsequent to the entry of the State Engineer's administrative order on May 7, 1974, it was determined that Green Villa Farms was not the sole owner of the lands to which said water right is appurtenant.

That portion of the said water right for the use of 4.41 cubic feet per second of water from Humbug Lake for the irrigation of 353.0 acres in Sections 9, 10, and 16 of Township 8 South, Range 4 West, W. M. was owned by Green Villa Farms.

That portion of said water right for the use of 0.23 cubic foot per second of water from Humbug Lake for the irrigation of 7.9 acres in Lot 8 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and 10.1 acres in Lot 9 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, Township 8 South, Range 4 West, W. M. was not owned by the affiant and, therefore, should not have been cancelled pursuant to the affidavit.

Therefore, the administrative order of the State Engineer, entered May 7, 1974 providing for the cancellation of the water right in question, should be amended to provide for cancellation of only that portion of the said water right appurtenant to lands owned by the affiant, Green Villa Farms.

NOW, THEREFORE, it hereby is ORDERED that the administrative order of the State Engineer, entered on May 7, 1974, and recorded at Page 308, Volume 24, Special Order Record, be and the same hereby is amended to read as follows:

"On January 31, 1974, David E. Kennedy, acting for Green Villa Farms, submitted an affidavit that Green Villa Farms is the owner of certain real property and a certain water right appurtenant thereto; and that Green Villa Farms has abandoned any and all interest in and to the certain water right and requests the same to be cancelled."

"The water right in question is that portion of the right evidenced by the certificate recorded at Page 16842, Volume 14, State Record of Water Right Certificates, for the appropriation of 4.41 cubic feet of water per second from Humbug Lake for the irrigation of a certain 353.0 acres, being:

- 4.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in
T. Burbank DLC 40
- 8.3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in
T. Burbank DLC 40
- 37.2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in
T. Burbank DLC 40
- 0.8 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in
Asa Burbank DLC 41
- 2.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in
Asa Burbank DLC 41
Section 9
- 4.3 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected in
T. Burbank DLC 40
- 35.9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected in
T. Burbank DLC 40
- 2.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected in
Asa Burbank DLC 41
- 16.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected in
T. Burbank DLC 40

2.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in
T. Burbank DLC 40

0.2 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in
T. Burbank DLC 40

2.5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in
T. Burbank DLC 40

27.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in
T. Burbank DLC 40

Section 10

3.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected in
T. Burbank DLC 40

23.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected in
T. Burbank DLC 40

19.5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected in
T. Burbank DLC 40

29.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected in
T. Burbank DLC 40

1.1 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected in
T. Burbank DLC 40

37.3 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected in
Asa Burbank DLC 41

6.9 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected in
Asa Burbank DLC 41

0.8 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected in
T. Burbank DLC 40

25.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected in
T. Burbank DLC 40

0.8 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected in
Asa Burbank DLC 41

Section 15

40.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected in
Asa Burbank DLC 41

20.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected in
Asa Burbank DLC 41

Section 16

Township 8 South, Range 4 West, W. M.

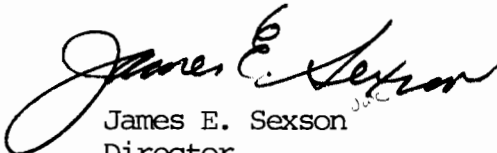
under a priority date of July 19, 1928."

"ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the Water Right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

"It is FURTHER ORDERED that the said water right, being a portion of the right described by the certificate recorded at Page 16842, Volume 14, State Record of Water Right Certificates, is canceled."

"It is FURTHER ORDERED that the said certificate of water right is canceled, and in lieu thereof a new certificate be issued to describe the balance of the water right NOT involved in this proceeding."

Dated at Salem, Oregon, this 16th day of January, 1978.


James E. Sexson
Director