

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

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

O R D E R

On May 19, 1965, Lyle K. and Fern E. Tresham submitted an affidavit that they are the legal owners of 1.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, and 8.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 5 South, Range 4 West, W.M., and of the water right appurtenant thereto; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

October 14, 1966, Robert Girtle, President of the Bayu (Bayou) Golf and Country Club, submitted an affidavit that the Bayu Golf and Country Club is the legal owner of that portion of land lying north of the South Yamhill River and west of State Highway 99 W, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 5 South, Range 4 West, W.M., and of the water right appurtenant thereto; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is for the use of not to exceed 0.15 cubic foot per second of the waters of Salt Creek for the irrigation of 1.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5 and 8.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, both being within Wm. G. Garrison D.L.C. 40, Township 5 South, Range 4 West, W.M., and not to exceed 0.01 cubic foot per second of the waters of South Yamhill River for the irrigation of 0.1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.1 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, both being within Eldridge G. Edson D.L.C. 38, Township 5 South, Range 4 West, W.M., with a date of priority of May 15, 1939, and is evidenced by certificate of water right issued in the name of J. S. Tresham and recorded at page 14228, Volume 12, State Record of Water Right Certificates.

That part of said water right for the use of not to exceed 0.39 cubic foot per second of the waters of South Yamhill River, a tributary of Yamhill River for the irrigation of 3.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, being within Eldridge G. Edson D.L.C. 38, Township 5 South, Range 4 West, W.M.; 1.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 9.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.6 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, being within Wm. Garrison D.L.C. 40, Township 5 South, Range 4 West, W.M., and 1.0 acre in Lot 1 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of May 15, 1939, as evidenced by certificate of water right issued in the name of J. S. Tresham and recorded at page 14228, Volume 12, State Record of Water Right Certificates, is not in question.

In preparation of the Final Proof Survey map a part of the lands involved in this water right were incorrectly located in reference to the northerly southwest corner of H. D. Martin D.L.C. 37, which point is the most northerly corner of the William Garrison D.L.C. 40. In redrafting the map of these lands the total acreage involved and the tracts of land actually irrigated remain the same, however the correction of the location of the D.L.C. corner changes the acreage as projected within the forty acre tracts. It appears that the acreage within each forty should be corrected and a certificate issued to conform to this change.

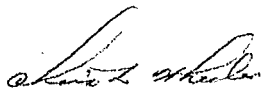
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the right to the use of not to exceed 0.15 cubic foot per second of the waters of Salt Creek for the irrigation of 1.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, and 6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, both as projected within Wm. G. Garrison D.L.C. 40, Township 5 South, Range 4 West, W.M., and for not to exceed 0.01 cubic foot per second of the waters

of South Yamhill River, for the irrigation of 0.1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.1 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, both as projected within Eldridge G. Edson D.L.C. 38, Township 5 South, Range 4 West, W.M., with a date of priority of May 15, 1939, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 14228, Volume 12, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to J. S. Tresham covering that part of the water right not in question which is for the use of not to exceed 0.39 cubic foot per second of the waters of South Yamhill River, a tributary of Yamhill River, for the irrigation of 4.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Eldridge G. Edson D.L.C. 38, Section 5, Township 5 South, Range 4 West, W.M.; 1.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.6 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.3 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Wm. G. Garrison D.L.C. 40, Section 5, Township 5 South, Range 4 West, W.M., and 0.9 acres in Lot 1 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), 0.9 acres in Lot 1 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of May 15, 1939.

Dated at Salem, Oregon, this 19th day of October, 1966.



CHRIS L. WHEELER
State Engineer