

Jackson County

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

O R D E R

On June 9, 1969, Harry E. & Norlene E. Wardle, Horace W. & Lenore A. Shriver and Mildred Johnson Fosbury submitted an affidavit that they are the owners of the following described lands:

Tract C: all that part of the north one-half of the southwest quarter of Section 11, Township 35 South, Range 4 West, W.M., lying between the present county road and Evans Creek,

and the water right appurtenant thereto, that they have abandoned any and all interest in and to said water right and request the same be canceled.

The water right in question is for the use of not to exceed 0.055 cubic foot per second of the waters of Evans Creek, tributary of Rogue River, for irrigation of 4.4 acres in the westerly part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying north of Evans Creek and south of the county road in Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of August 2, 1948, and is evidenced by certificate of water right issued in the name of Russell B. Johnson and recorded at page 20070, Volume 14, State Record of Water Right Certificates.

That part of the above described water right for the use of not to exceed 0.176 cubic foot per second of the waters of Evans Creek, tributary of Rogue River, for irrigation of 14.05 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, lying between the county road and Evans Creek, in Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of August 2, 1948, as evidenced by certificate of water right recorded at page 20070, Volume 14, State Record of Water Right Certificates, is not in question in this proceeding.

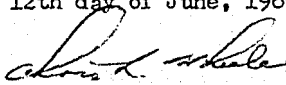
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the

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 0.055 cubic foot per second of the waters of Evans Creek, tributary of Rogue River, for irrigation of 4.4 acres in the westerly part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, lying north of Evans Creek and south of the county road, in Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of August 2, 1948, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 20070, Volume 14, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Harry E. and Norlene E. Wardle Route 1, Box 70, Rogue River, Oregon, covering that part of the water right not in question which is for the use of not to exceed 0.176 cubic foot per second of the waters of Evans Creek, tributary of Rogue River, for irrigation of 14.05 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, lying between the county road and Evans Creek, in Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of August 2, 1948.

Dated at Salem, Oregon this 12th day of June, 1969.


CHRIS L. WHEELER
State Engineer