

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

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

O R D E R

On November 28, 1972, Leslie G. and Thelma I. Schneider and Fred L. and Nancy K. Straubs submitted affidavits that they are the owners of a water right and the lands to which the right is appurtenant; that they abandoned any and all interest in and to the said water right and request the same to be canceled.

The water right in question is part of that evidenced by the certificate recorded at Volume 13, Page 16225, State Record of Water Right Certificates, and is for the appropriation of not to exceed 6.67 cubic foot per second of water from Applegate River, with a priority date of 1876, for placer mining in Section 15 and 22, Township 39 South, Range 3 West, W.M.

That part of the water right as modified by decree of the Circuit Court for Jackson County entered September 20, 1972, for the appropriation of not to exceed 3.28 cubic foot per second of water from Applegate River, with a priority date of 1876, for irrigation of,

- 6.2 acres in NE¼ NW¼
- 31.3 acres in NW¼ NW¼
- 22.1 acres in SW¼ NW¼
- 17.9 acres in SE¼ NW¼
- 21.2 acres in NE¼ SW¼
- 6.3 acres in NW¼ SW¼
- 4.5 acres in SW¼ SW¼
- 16.5 acres in SE¼ SW¼

Section 15

- 1.0 acres in SW¼ NW¼
- 4.0 acres in NW¼ SW¼

Section 22

Township 39 South, Range 3 West, 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 cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the water right for the use of 6.67 cubic feet per second of water from Applegate River, with a priority date of 1876, for placer mining in Section 15 and 22, Township 39 South, Range 3 West, W.M., is canceled.

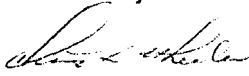
It is FURTHER ORDERED that the certificate of water right recorded at Volume 13, Page 16225 is canceled and in lieu thereof a new certificate be issued to Leslie G. and Thelma I. Schneider, and Fred L. and Nancy R. Straube covering that part of the water right not in question which is for the appropriation of not to exceed 3.28 cubic feet per second of water from Applegate River, with a priority date of 1876, for the irrigation of,

6.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
31.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
22.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
17.9 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
21.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
6.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
4.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
16.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 15

1.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 22

Township 39 South, Range 3 West, W.M.

Dated at Salem, Oregon, this 27th day of July, 1973.


CHRIS L. WHEELER
State Engineer

*Noted on decree
Vol 4, p. 20
Page 16225*

*See Transfer 8-98
Superior Court of Oregon*