

BEFORE THE STATE ENGINEER OF OREGON

Baker County

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

ORDER

On September 26, 1966, R. A. and Olga N. Ward submitted an affidavit that they are the legal owners of the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7; Township 8 South, Range 39 East, W.M., Baker County, Oregon, and 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 was established by Decree of the Circuit Court for Baker County, entered March 18, 1918, in the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of Powder River and its Tributaries, a Tributary of Snake River, in the name of Estate of D. Favorite, by E. L. Favorite, as evidenced by certificate of water right recorded at page 4441, Volume 5, State Record of Water Right Certificates and is for the use of not to exceed one-fortieth of one cubic foot per second per acre of the waters of Willow Creek, a tributary of Powder River, for the irrigation of 37.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 7, Township 8 South, Range 39 East, W.M., with a date of priority of 1906, (being a part of Tract No. 2).

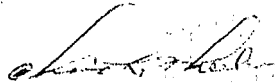
That part of the water right for the use of not to exceed one-fortieth of one cubic foot per second per acre of the waters of Willow Creek, a tributary of Powder River for the irrigation of 9.8 acres in the SW $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 5, Township 8 South, Range 39 East, W.M., (being part of Tract No. 2), with a date of priority of 1906, and for the use of not to exceed one-fortieth of one cubic foot per second per acre of the waters of Rock Creek, a tributary of Powder River, for the irrigation of 19.5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 40 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 40 acres in NW $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 5, Township 8 South, Range 39 East, W.M., (being Tract No. 1), with a date of priority of August 28, 1880, 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 is hereby ORDERED that the right to the use of not to exceed one-fortieth of one cubic foot per second per acre of the waters of Willow Creek, a tributary of Powder River, for the irrigation of 37.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, Township 8 South, Range 39 East, W.M., (being a part of Tract No. 2), with a date of priority of 1906, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 4441, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof, a certificate be issued to cover that part of the water right not in question, which is for the use of not to exceed one-fortieth of one cubic foot per second per acre of the waters of Willow Creek for the irrigation of 9.8 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 8 South, Range 39 East, W.M., (being Tract No. 2), with a date of priority of 1906, and for the use of not to exceed one-fortieth of one cubic foot per second per acre of the waters of Rock Creek, a tributary of Powder River, for the irrigation of 19.5 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.5 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 40 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 8 South, Range 39 East, W.M., (being Tract No. 1), with a date of priority of August 28, 1880.

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



CHRIS L. WHEELER  
State Engineer