

Marion County

IN THE MATTER OF THE PARTIAL)
CANCELATION OF A WATER RIGHT)
IN THE NAME OF MISSION BOTTOM)
HOP COMPANY)
-----)

O R D E R

On February 4, 1964, Earl and Hazel Weathers submitted a sworn statement that they are the legal owners of a certain water right and the real property to which the right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question is a part of that evidenced by certificate recorded at page 28928, Volume 21, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.85 cubic foot per second of water from Hubbard Lake, with a date of priority of September 30, 1955, for the irrigation of the following lands:

- | | |
|---|--|
| 0.40 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 11.45 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9.56 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 32.64 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 8.43 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 1.87 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| Section 36, | as projected within E. Jones DLC 62 |
| 2.60 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ | Section 1, |
| Section 35, | 1.73 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| Township 5 South, | as projected within E. Jones DLC 62 |
| Range 3 West, W.M. | Section 2, |
| | Township 6 South, Range 3 West, W.M. |

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.34 cubic foot per second of water from Hubbard Lake for the irrigation of 27.05 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 5 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 right for the use of not to exceed 0.85 cubic foot per second of water from Hubbard Lake with a date of priority of September 30, 1955, for the irrigation of 68.68 acres as follows:


0.40 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
9.56 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
8.43 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 36,
2.60 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 35,
Township 5 South,
Range 3 West, W.M.

11.45 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
32.64 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
1.87 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
as projected within E. Jones DLC 62
Section 1,
1.73 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
as projected within E. Jones DLC 62
Section 2,
Township 6 South, Range 3 West, W.M.

is canceled.

Dated at Salem, Oregon, this 8th day of April, 1964.

Noted on records
App.# 30326
Cert.# 28928


CHRIS L. WHEELER
State Engineer *in C.*

See also Trsf. W-102 - Sp.D. Vol. 13, p. 307