

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE PARTIAL)
CANCELATION AND CORRECTION)
OF A WATER RIGHT IN THE NAME)
OF VERNON D. RIGGLE)

O R D E R

On February 25, 1977, Franklin D. Schmitz submitted an affidavit asserting that he is the owner of a water right and the land to which the right is appurtenant; that the certificate of water right incorrectly located the lands to which the right is appurtenant and requests that a new certificate be issued to correctly locate the land upon which the water right is appurtenant, being 1.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, 0.4 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 5 South, Range 7 West, W.M., and request that the balance of the water right for the irrigation of 2.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 5 South, Range 7 West, W.M., be canceled.

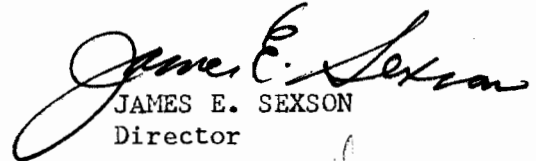
The water right in question is that evidenced by the certificate issued to Vernon D. Riggle recorded at Page 19867, Volume 14, State Records of Water Right Certificates confirming a right to the use of 0.13 cubic foot of water per second from Willamina Creek, with a date of priority of September 29, 1947, for the irrigation of 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 5 South, Range 7 West, W.M.

From evidence submitted and evidence from the records, it appears that an error was made in the preparation of the proof of appropriation of water, and that part of the water right should be canceled, and a new certificate should be issued correctly locating the water right.

NOW THEREFORE, it hereby is ORDERED that the water right for the use of 0.04 cubic foot per second from Willamina Creek, with a priority date of September 29, 1947, for the irrigation of 2.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 5 South, Range 7 West, W.M., is canceled.

It is FURTHER ORDERED that the certificate recorded at Page 19867, Volume 14, State Records of Water Right Certificates, is canceled and in lieu thereof a certificate shall be issued to Franklin D. Schmitz for the use of 0.09 cubic foot of water per second from Willamina Creek for the irrigation of 1.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, 0.4 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 2.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 5 South, Range 7 West, W.M., with a date of priority of September 29, 1947.

Dated at Salem, Oregon, this 13th day of September, 1977.


JAMES E. SEXSON
Director