

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE PARTIAL)
CANCELATION OF A WATER RIGHT)
IN THE NAME OF F. D. KASER)

O R D E R

On October 10, 1974, Emanuel Kellerhals, Jr., contract seller, and on January 2, 1975, Denzel J. and Lucille M. Brown, contract purchasers, submitted an affidavit that they are the owners of a water right and the lands 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 part of that evidenced by certificate recorded at Page 36495, Volume 28, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.11 cubic foot per second of water from Drift Creek, with a priority date of March 7, 1941, for the irrigation of 5.0 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.5 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 2.4 acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W.M.

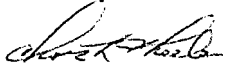
That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.33 cubic foot per second of water from Drift Creek for the irrigation of 22.6 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 3.3 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W.M., is not in question in this proceeding.

CRS 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 0.11 cubic foot per second of water from Drift Creek, with a priority date of March 7, 1941, for the irrigation of 5.0 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.5 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 2.4 acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W.M., is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Page 36495, Volume 28, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued to F. D. Kaser covering that part of the water right not in question for the appropriation of not to exceed 0.33 cubic foot per second of water from Drift Creek, with a priority date of March 7, 1941, for the irrigation of 22.6 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 3.3 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W.M.

Dated at Salem, Oregon, this 25th day of April, 1975.


CHRIS L. WHEELER
State Engineer