

BEFORE THE STATE ENGINEER OF OREGON

County of Umatilla

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

O R D E R

On January 10, 1963, Phil Gibbons, Jr., submitted an affidavit that he is the legal owner of the following described lands, to wit:

Beginning at the intersection of the Northerly line of the O.W.R. & N. Company's right of way with the East line of Sec. 33, T.6 N., R.35; running thence North 990 feet; thence West 1200 feet; thence South to the Northerly line of said O.W.R. & N. Company's right of way, thence Southeasterly along the Northerly line of said right of way 1311 feet, more or less, to the point of beginning;

Excepting therefrom a right of way for a road 40 feet wide along the Northerly side of the railway right of way as above mentioned;

Also excepting that portion thereof conveyed by Thomas Donahue to Alonzo A. Wilder, by Warranty Deed dated April 27, 1880, filed September 19, 1887 and recorded in Book "R", page 102 of the Deed Records of Umatilla County, Oregon, described as follows:

Commencing at the Southeast corner of Sec. 33, T.6 N., R. 35; thence North $16\frac{1}{2}$ feet wide on the East line of the Southeast Quarter of Sec. 33, one-half mile to the Northeast corner of said Southeast Quarter;

Also excepting therefrom that tract of land conveyed to Bud L. Owen, et ux, by deed recorded in Book 244, page 594 of the said Deed Records;

and the water right appurtenant to above described lands; that he has abandoned any and all interest in and to said water right and requests the same to be canceled.

The water right in question is for the use of not to exceed 0.15 cubic foot per second of waste or surplus waters from Milton Ditch, Finis Ditch, Powell Ditch and irrigation wells for the irrigation of 11.8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 6 North, Range 35 East, W.M., with a date of priority of August 4, 1923, and is evidenced by certificate of water right

issued in the name of S. S. Shields and A. L. Edwards and recorded at page 5039, Volume 5, State Record of Water Right Certificates.

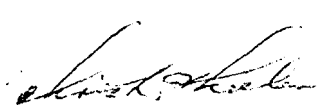
That part of the above described water right for the use of not to exceed 0.19 cubic foot per second of waste or surplus waters from Milton Ditch, Finis Ditch, Powell Ditch and irrigation wells for the irrigation of 15.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 6 North, Range 35 East, W.M., with a date of priority of August 4, 1923, 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 is hereby ORDERED that the right to the use of not to exceed 0.15 cubic foot per second of waste and surplus waters from Milton Ditch, Finis Ditch, Powell Ditch and irrigation wells for the irrigation of 11.8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 6 North, Range 35 East, W.M., with a date of priority of August 4, 1923, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 5039, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Archie Harris, Inc. and Robert W. Griess covering that part of the water right not in question which is for the use of not to exceed 0.19 cubic foot per second of waste or surplus waters from Milton Ditch, Finis Ditch, Powell Ditch and irrigation wells for the irrigation of 15.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 6 North, Range 35 East, W.M., with a date of priority of August 4, 1923.

Dated at Salem, Oregon, this 22nd day of November, 1966.


CHRIS L. WHEELER
State Engineer