

REPORTS THE STATE ENGINEER OF OREGON

Alamath County

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

O R D E R

On April 19, 1966, Lloyd L. and Dorothy N. Nicholson submitted an affidavit that they are the legal owners of the following:

A parcel of land situated in the South half of the Northeast Quarter of the Northeast Quarter and the Southeast quarter of the Northeast quarter, Section 3, Township 34 South, Range 7 East, W.M., more particularly described as follows:

Beginning at the East quarter corner of the said section 3, thence easterly along the East and West center line of the said Section 3, which marks the southerly boundary of the said Southeast Quarter of the Northeast Quarter of the said Section 3, 945.0 feet, thence northerly in a straight line to a point in the line marking the northerly boundary of the said South Half of the Northeast Quarter of the Northeast quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of the said Section 3, which is 670.0 feet Westerly from the Northeast corner of the said South Half of the Northeast Quarter of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of the said Section 3, thence easterly along the said boundary line 670.0 feet to said Northeast corner of the said South Half of the Northeast Quarter of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of the said Section 3, which is a point in the section line marking the easterly boundary of the said Section 3, thence southerly along the said section line marking the easterly boundary of the said Section 3, to the said point of beginning.

and the water right which is appurtenant; 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 is for the use of not to exceed 0.16 cubic foot per second of the waters of Fort Creek, tributary of Hood River, for the irrigation of 3.6 acres in the S $\frac{1}{2}$ of NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 34 South, Range 7 East, W.M., with a date of priority of March 25, 1960, evidenced by certificate of water right issued in the name of J. L. and R. D. Helms and recorded at page 31066, Volume 23, State Record of Water Right Certificates.

That part of the above described water right for the use of not to exceed 1.32 cubic feet per second of the waters of Fort Creek, tributary of Wood River, for the irrigation of 6.5 acres in the S $\frac{1}{2}$ of NE $\frac{1}{4}$ NW $\frac{1}{4}$, 20.0 acres in S $\frac{1}{2}$ of NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 12.1 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 6.6 acres in Lot 9 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), and 20.6 acres in Lot 10 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 3, Township 34 South, Range 7 $\frac{1}{2}$ East, T.34S., R.7E., with a date of priority of March 25, 1960, evidenced by certificate of water right issued in the name of J. L. and R. D. Helms and recorded at page 31066, Volume 23, State Record of Water Right Certificates, is not in question.

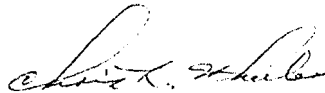
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State engineer that the water right has been abandoned by him and that he desires cancellation thereof, the State engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the right to the use of not to exceed 0.16 cubic foot per second of the waters of Fort Creek, tributary of Wood River, for the irrigation of 3.0 acres in S $\frac{1}{2}$ of NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 34 South, Range 7 $\frac{1}{2}$ East, T.34S., with a date of priority of March 25, 1960, evidenced by certificate of water right issued in the name of J. L. and R. D. Helms and recorded at page 31066, Volume 23, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 31066, Volume 23, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Susan J. McJuliffe covering that part of the water right not in question which is for the use of not to exceed 1.32 cubic feet per second of the waters of Fort Creek, tributary of Wood River, for the irrigation of 6.5 acres in S $\frac{1}{2}$ of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 20.0 acres in the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$,

12.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.6 acres in Lot 9 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), 20.6 acres in Lot 10 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 3, Township 3 $\frac{1}{2}$ South, Range 7 $\frac{1}{2}$ East, W.M., with a date of priority of March 25, 1960.

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



CHRIS L. WHEELER
State Engineer