

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE  
PARTIAL CANCELATION OF  
A WATER RIGHT IN THE  
NAMES OF DAVID M. AND  
SARA K. WELCH, ET AL. -- }

O R D E R

On April 8, 1964, Florence A. Fagalde submitted a sworn statement that she is the legal owner of a certain water right and the land to which the water right is appurtenant; that she has abandoned any and all interest in and to the said water right and requests the same to be canceled.

The water right in question is a part of that evidenced by the certificate recorded at Volume 23, page 31231, State Record of Water Rights Certificates, and is for the appropriation of not to exceed 0.07 cubic foot per second of water from the Rogue River, with a date of priority of November 7, 1928, for irrigation of 3.3 acres in Lot 4, Section 10, and 2.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 15, Township 34 South, Range 1 West, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.31 cubic foot per second of water from the Rogue River, with a date of priority of November 7, 1928, for irrigation of 7 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15 and 14.7 acres in Lot 4 and 3 acres in Lot 3 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 10, Township 34 South, Range 1 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 0.07 cubic foot per second of water from the Rogue River, with a date of priority of November 7, 1928, for irrigation of 3.3 acres in Lot 4, Section 10, and 2.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 15, Township 34 South, Range 1 West, W.M., is canceled.

It is FURTHER ORDERED that the certificate recorded at Volume 23, page 31231, State Record of Water Rights Certificates, is canceled and in lieu thereof a certificate be issued to David M. and Sara K. Welch, Robert K. and Mary Scott Hammons, Truman D. and Z. Idellie Collins and J. B. Bristow covering that part of the water right not in question, which is for the appropriation of not to exceed 0.31 cubic foot per second of water from the Rogue River, with a date of priority of November 7, 1928, for irrigation of 7 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15 and 14.7 acres in Lot 4 and 3 acres in Lot 3 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 10, Township 34 South, Range 1 West, W.M.

Dated at Salem, Oregon this 30<sup>th</sup> day of April 1964.

Noted on file  
Apr. 22 1964  
Dist. # 31231

  
CHRIS L. WHEELER  
State Engineer

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