

Marion County

IN THE MATTER OF THE PARTIAL)
CANCELATION OF A WATER RIGHT)
IN THE NAME OF OREGON STATE)
BOARD OF CONTROL)
- - - - -

O R D E R

On January 15, 1964, J. N. Peet, Secretary of the Oregon State Board of Control, submitted a sworn statement that they are the legal owners of certain water rights and the lands to which the water rights are appurtenant; that they have abandoned any and all interest in and to the said water rights and request the same be canceled.

The water rights in question are a part of those rights evidenced by certificates recorded at pages 14836 and 14903, Volume 12, State Record of Water Right Certificates. Certificate recorded at page 14836 is for the appropriation of not to exceed 230 cubic feet per second of the waters of Mill Creek with a date of priority of 1865 for the development of 313.64 theoretical horsepower within that part of Samuel Parker D.L.C. No. 77 within Section 25, Township 7 South, Range 3 West, W.M., owned by the State of Oregon. Certificate recorded at page 14903 is for the appropriation of not to exceed 230 cubic feet per second of the waters of North Santiam River, with a date of priority of 1856, for the development of power at the Oregon State Penitentiary within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 7 South, Range 3 West, W.M.

That part of the water right evidenced by certificate recorded at page 14836 for the appropriation of not to exceed 1,615,562 gallons of water per 24 hours from Mill Creek, with a date of priority of 1865, which includes the 1,200,000 gallons per 24 hours from North Santiam River, for domestic, stock and institutional uses at the State Penitentiary, State Hospital and grounds and State Capitol buildings and grounds, the place of use being described as follows:

That part of the Morgan L. Savage D.L.C. No. 79 within Section 25, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon;

That part of the Isaac Baker D.L.C. NO. 81 within Section 24, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon;

That part of the Josiah L. Parrish D.L.C. No. 61 within Section 24, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon;

That part of the Samuel Parker D.L.C. No. 77 within Section 25, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon; and

The State Capitol Group of Buildings and grounds within the City of Salem, Oregon; and

that part of the appropriation of not to exceed 304 gallons of water per minute from Mill Creek, with a date of priority of 1891, for the irrigation of 20.2 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 15.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 24.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 8 South, Range 2 West, W.M., and the appropriation of not to exceed .09 cubic foot per second of the waters of Mill Creek, with a date of priority of 1891, for the irrigation of 7 acres in that part of Section 17 and 18, Township 8 South, Range 2 West, W.M., owned by the State of Oregon, is not in question, and that part of certificate recorded at page 14903 for the appropriation of 1,200,000 gallons in 24 hours of the waters of North Santiam River, with a date of priority of 1856, for domestic, stock, institutional purposes and upkeep of grounds connected with state institutions, the places of use being described as follows:

That part of the Isaac Baker D.L.C. No. 81 within Section 24, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon;

That part of the Josiah L. Parrish D.L.C. No. 61 within Sections 24 and 25, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon;

That part of the Morgan L. Savage D.L.C. No. 79 within Section 25, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon;

That part of the Samuel Parker D.L.C. No. 77 within Section 25, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon;

That part of the Webley Houxhurst D.L.C. No. 78 within Sections 25 and 36, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon;

That part of the Alvan F. Waller D.L.C. No. 46 within Sections 25 and 36, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon;

All of Blocks 82, 83, 85 and 86 of the City of Salem, Marion County, Oregon;

Beginning at the northeast corner of Block 1, in Waldo's Addition to the City of Salem, according to Column 1, Page 43, Record of Town Plats for Marion County, Oregon, thence westerly along the southerly line of Court Street to a point which is 372.37 feet in a westerly direction from the northwest corner of Block 84 of the recorded plat of the City of Salem; thence in a southerly direction parallel with the west line of said Block 84, 330 feet to a point on the northerly line of State Street; thence in an easterly direction along the said north line of State Street to the southeast corner of said Block 1 in Waldo's addition; thence northerly along the easterly line of said Block 1 in Waldo's Addition 330 feet to the place of beginning;

Block 2 in Waldo's Addition to the City of Salem;

Beginning at the northwest corner of the southwest quarter of Block 2 in Roberts Addition to the City of Salem, in Marion County, Oregon, and running thence southerly on the west boundary line of said Block 2 fifty feet and four inches; thence easterly parallel with the south line of said Block 2 and the north line of State Street 165 feet more or less to the west boundary line of the alley running northerly and southerly through said Block 2; thence northerly along the west line of said alley fifty feet and four inches to the northeast corner of said SW $\frac{1}{4}$ of said Block 2; thence westerly along the north boundary line of said SW $\frac{1}{4}$ of said Block 2 to the place of beginning, all situated in said Roberts Addition to the City of Salem, in Marion County, Oregon; and

Beginning at a point on the west line of Block 2 in Roberts Addition to the City of Salem, Marion County, Oregon, 124 feet south of the northwest corner of said block; thence east parallel with Court Street, 158 feet to the alley; thence south parallel with the east line of 12th Street 41 feet; thence west parallel with the south line of Court Street 158 feet to the west line of said block; thence north on the west line of said block 41 feet to the place of beginning,

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 230 cubic feet per second of the waters of Mill Creek, with a date of priority of 1865, for the development of 313.64 theoretical horsepower within that part of Samuel Parker D.L.C. No. 77 within Section 25, Township 7 South, Range 3 West, W.M., now owned by the State of Oregon, and the right for the use of not to exceed 230 cubic feet per second of the waters of North

Santiam River, with a date of priority of 1856, for the development of power at the Oregon State Penitentiary within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 25, is canceled.

It is FURTHER ORDERED that certificates issued to Oregon State Board of Control and recorded at pages 14836 and 14903, Volume 12, State Record of Water Right Certificates, are canceled and in lieu thereof, new certificates be issued to Oregon State Board of Control for the use of the waters of Mill Creek and North Santiam River for domestic, stock, institutional purposes, upkeep of grounds connected with state institutions and State Capitol buildings and grounds as hereinbefore described as not being in question.

Dated at Salem, Oregon, this 11th day of June, 1964.

Noted on Decree

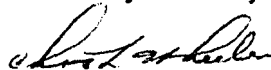
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CHRIS L. WHEELER
State Engineer