

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE)
CANCELATION OF WATER)
RIGHT ISSUED TO ALVAH)
E. GRAY)
-----)

O R D E R

Certificate of water right issued to Alvah E. Gray, and recorded at page 2867, Volume 4, State Record of Water Right Certificates, confirms a right under Permit No. 3306 for the use of 0.75 cubic foot per second of the water of an Unnamed Stream, Tributary of the Willamette River, for the development of power and the irrigation of 5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 6 South, Range 3 West, W. M., with a date of priority of March 21, 1917. The right to the use of said water for irrigation purposes is limited to a diversion of not to exceed 1/80th of one cubic foot per second per acre of land irrigated.

The right to the use of water for the development of power was limited to a period of 40 years from the date of priority of the right, or March 21, 1917; such right to the use of water for power purposes expired March 21, 1957.

Mr. Myron Bish, a representative of this office, made an inspection of the premises involved on March 21, 1961, and found that the system was in use and the water being used for irrigation on land other than described in the Certificate of Water Right. He, thereupon, made a plane table survey of the area irrigated and found that 5 acres were being irrigated in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 6 South, Range 3 West, W. M., instead of in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 18, as described in said certificate. It appears the original map filed with the application for permit to appropriate water from the unnamed stream was more in the nature of a sketch than a map made from an actual survey and, no doubt, was in error.

The right to the use of water for the development of power having expired, certificate of water right issued to Alvah Gray and recorded at

page 2867, Volume 4, State Record of Water Right Certificates, should be canceled and a new certificate issued to Mrs. Ben McKinney confirming the right to the use of .063 cubic foot per second of water from an unnamed stream, tributary of the Willamette River for the irrigation of 5 acres in the NE¼ SW¼, Section 18, Township 6 South, Range 3 West, W.M., with a date of priority of March 21, 1917.

NOW, THEREFORE, it hereby is ORDERED that certificate of water right heretofore issued to Alvah E. Gray, and recorded at page 2867, Volume 4, State Record of Water Right Certificates, be and the same is canceled and that a new certificate be issued to Mrs. Ben McKinney as set forth in the preceding paragraph.

Dated at Salem, Oregon, this 8th day of January, 1962.

*Noted on records
App # 5444
Cor. # 2867
Power Claim # 426*

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

... of certificates of water right issued to Alvah E. Gray, recorded at page 2867, Volume 4, State Record of Water Right Certificates.

... the order of a proposed and ... State Engineer after the ... order canceling the water right, and upon ... the State Engineer shall cause a certified copy ... to the county clerk of the county in which the water ... shall copy or print across the back ... which contained the water right ... of the State Engineer, dated