

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF )  
THE CANCELLATION )  
OF A WATER RIGHT )  
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O R D E R

On October 11, 1968, Daniel J. Fry, Jr., Peggy Ann Fry, Ernest H. and Patricia B. Miller, Jack and Patricia Fitzmaurice, dba F. M. F. Farms, submitted an affidavit that they are the owners of the following described lands:

Beginning at a point which is 4.250 chains South 0° 23' East, and 10.910 chains West of the Northwest corner of the James M. Townsend Donation Land Claim, in Township 7 South, Range 3 West of the Willamette Meridian, in Marion County, Oregon, said point of beginning being on the Easterly (or right) bank of the Willamette River; thence East 7.60 chains; thence South 0° 23' East 39.718 chains to a point which is 0.606 chains South 0° 23' East of the Northwest corner of a 2.30 acre tract of land conveyed by deed recorded in Volume 206, Page 236, of the Record of Deeds for said County; thence South 88° 37' West 7.850 chains; thence South 84° 18' West 4.536 chains to a point on the East line of a 17.06 acre tract of land conveyed by Deed recorded in Volume 421, Page 455, of said Records of Deeds, said point being 0.303 chain South 0° 25' East from the Northeast corner of said 17.06 acre tract of land; thence North 0° 25' West 0.303 chain to the Northeast corner thereof; thence along the Northerly line of said 17.06 acre tract of land, South 79° 02' West 4.844 chains; thence South 86° 48' West 5.8732 chains; thence South 62° 33' West 4.2586 chains to the Northwest corner of said 17.06 acre tract of land; thence South 53° 12' West 8.727 chains; thence South 46° 39' West 6.359 chains; thence South 42° 32' West 5.44 chains; thence South 32° 41' West 5.453 chains; thence South 23° 09' West 4.047 chains; thence South 20° 26' West 10.202 chains to the Northeast corner of a 160 acre tract of land conveyed by deed recorded in Volume 232, Page 38 of said Record of Deeds; thence North 72° 40' West along the North line of said 160 acre tract of land to the Easterly (or right) bank of the Willamette River; thence Northeasterly along the Easterly (or right) bank of said Willamette River, to the place of beginning.

SAVE AND EXCEPT: Each part, and the whole of the following described parcel to-wit:

Beginning at the point of intersection of the West line of the Richard A. Ekin Donation Land Claim in Township 7 South, Range 4 West of the Willamette Meridian in Marion County, Oregon, and the Easterly (or right) bank of said Willamette River; thence South, along said Ekin Claim line, 332.3 feet, more or less, to the Northeast corner of the A. R. Stoughton

Donation Land Claim in Township 8 South, Range 4 West of the Willamette Meridian in said County and State; thence West, along the North line of said Stoughton Claim 536.3 feet, more or less, to the Easterly (or right) bank of said Willamette River, and thence Northeasterly, along the Easterly (or right) bank of said Willamette River to the place of beginning, and

SAVE AND EXCEPT: Beginning at one inch iron pipe set on the Easterly (or right) bank of the Willamette River, which point is 280.50 feet South  $00^{\circ} 21'$  East and 720.06 feet West of the Northwest corner of the J. M. Townsend Donation Land Claim in Township 7 South, Range 3 West of the Willamette Meridian, in Marion County, Oregon, said point of beginning being the most Northerly Northwest corner of that certain tract of land conveyed to Fred C. Ritner by deed recorded in Volume 438, Page 470, Marion County, Deed Records; and running thence East 501.60 feet, along the North line of said Ritner tract to a  $3/4$  inch iron pipe at the Northeast corner thereof; thence South  $00^{\circ} 23'$  East 2619.69 feet, along the East line of said Ritner tract to a  $1/2$  inch iron pipe at the Southeast corner thereof; thence South  $88^{\circ} 39'$  West 518.31 feet, along the South line of said Ritner tract to a  $1/2$  inch iron pipe; thence South  $84^{\circ} 17'$  West 299.83 feet, continuing along the South line of said Ritner tract to a  $1/2$  inch iron pipe; thence North  $00^{\circ} 25'$  West 20.00 feet to a  $1/2$  inch iron pipe; thence North  $00^{\circ} 23'$  West 2283.44, parallel with the East line of said Ritner tract, to a 1 inch iron pipe set on the Easterly (or right) bank of the Willamette River; thence North  $46^{\circ} 46'$  East 202.77 feet, along said river bank, to a 1 inch iron pipe; thence North  $36^{\circ} 59'$  East 274.87 feet, continuing along said river bank to the point of beginning.

ALSO SAVE AND EXCEPT: That parcel of land situate in Section 6, Township 8 South, Range 3 West of the Willamette Meridian, Marion County, Oregon, being a portion of those tracts of land described in Volume 536, Page 822, Marion County Record of Deeds, which is more particularly described as follows:

Beginning at a  $1/2$  inch iron pipe marking the Northeast corner of that parcel of land described in Volume 421, Page 455, Marion County Records of Deeds, which is recorded as bearing South  $00^{\circ} 23'$  East 280.50 feet and West 720.06 feet and South  $36^{\circ} 59'$  West 274.87 feet and South  $46^{\circ} 46'$  West 202.77 feet and South  $00^{\circ} 23'$  East 2283.44 feet from the Northwest corner of the J. M. Townsend Donation Land Claim No. 74, Township 7 South, Range 3 West of the Willamette Meridian, Marion County, Oregon, and running thence from the true point of beginning, North  $00^{\circ} 23'$  West 400.00 feet to a three-quarter inch iron pipe; thence South  $89^{\circ} 37'$  West 200.00 feet to a three-quarter inch iron pipe; thence South  $0^{\circ} 23'$  East 437.61 feet to a three-quarter inch iron pipe on the Northerly boundary line of that parcel of land described in Volume 421, Page 455, Marion County Record of Deeds; thence North  $78^{\circ} 58'$  East 203.51 feet along said Northerly boundary line to the point of beginning.

and the water right appurtenant thereto, that they have abandoned any and all interest in and to said water right and request the same be canceled.

The water right in question is for the use of not to exceed 1.73 cubic feet per second of the waters of Willamette River for irrigation of 3.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 31, Township 7 South, Range 3 West, W.M., 5.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 7 South, Range 4 West, W.M., 4.4 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 6, Township 8 South, Range 3 West, W.M., 32.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 18.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 36.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.3 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.6 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 10.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 12.4 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 1, Township 8 South, Range 4 West, W.M., with a date of priority of July 27, 1953, and is evidenced by certificate of water right issued in the name of Fred C. Ritner and recorded at page 24252, Volume 17, State Record of Water Right Certificates.

That part of said water right for the use of not to exceed 0.60 cubic foot per second of the waters of Willamette River for irrigation of 21.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Ekin D.L.C. 73, Section 31, Township 7 South, Range 3 West, W.M., 26.6 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 0.4 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , both as projected within Ekin D.L.C. 45, Section 6, Township 8 South, Range 3 West, W.M., with a date of priority of July 27, 1953, as evidenced by certificate of water right recorded at page 24252, Volume 17, State Record of Water Right Certificates, is not in question in this proceeding.

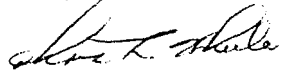
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the right for the use of not to exceed 1.73 cubic feet per second of the waters of Willamette River for irrigation of 3.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 31, Township 7 South, Range 3 West,

W.M., 5.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 7 South, Range 4 West, W.M., 4.4 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 6, Township 8 South, Range 3 West, W.M., 32.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 18.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 36.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.3 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.6 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 10.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 12.4 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 1, Township 8 South, Range 4 West, W.M., with a date of priority of July 27, 1953, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 24252, Volume 17, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Fred C. Ritner covering that part of the water right not in question which is for the use of not to exceed 0.60 cubic foot per second of the waters of Willamette River for irrigation of 21.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Ekin D.L.C. 73, Section 31, Township 7 South, Range 3 West, W.M., 26.6 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 0.4 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , both as projected within Ekin D.L.C. 45, Section 6, Township 8 South, Range 3 West, W.M., with a date of priority of July 27, 1953.

Dated at Salem, Oregon this 23rd day of October, 1968.



CHRIS L. WHEELER  
State Engineer