

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF)
THE CANCELATION)
OF WATER RIGHTS)

O R D E R

On December 5, 1969 and April 9, 1970, Minnie Parsons and Max M. Bibby submitted affidavits that they are the owners of described lands and the water rights appurtenant thereto, that they have abandoned any and all interest in and to said water rights and request the same be canceled.

The water rights in question are:

(a) for the use of not to exceed 0.40 cubic foot per second of the waters of Little Pudding River for irrigation of

0.08 acres in Lot 11 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
0.71 acres in Lot 11 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
4.90 acres in Lot 9 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
26.50 acres in Lot 10 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 14, Township 6 South, Range 2 West, W.M.,

with a priority of June 17, 1924, and is evidenced by certificate of water right issued in the name of E. A. and J. O. Hayes and recorded at Page 7780, Volume 7, State Record of Water Right Certificates;

(b) for the use of not to exceed 0.03 cubic foot per second of the Drainage water from Lake Labish Bed and other lands for supplemental irrigation of

0.3 acres in Lot 3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
2.0 acres in Lot 11 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 14, Township 6 South, Range 2 West, W.M.,

with a date of priority of April 8, 1941, and is evidenced by certificate of water right issued in the name of Hayes Labish Farm and recorded at Page 35278, Volume 27, State Record of Water Right Certificates.

That part of the water right described by the certificate recorded at page 35278, Volume 27, State Record of Water Right Certificates, for the use of not to exceed 0.53 cubic foot per second of the Drainage water from Lake Labish Bed and other lands for supplemental irrigation of:

2.9 acres in Lot 11 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$)
2.0 acres in Lot 4 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
17.0 acres in Lot 13 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$)
16.3 acres in Lot 12 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
0.8 acres in Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
3.4 acres in Lot 10 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 14, Township 6 South, Range 2 West, W.M.,

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 hereby is ORDERED that the right for the use of not to exceed 0.40 cubic foot per second of the waters of Little Pudding River for irrigation of:

0.08 acres in Lot 11 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
0.71 acres in Lot 11 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
4.90 acres in Lot 9 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
26.50 acres in Lot 10 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 14, Township 6 South, Range 2 West, W.M.,

with a date of priority of June 17, 1924, as evidenced by certificate of water right recorded at page 7780, Volume 7, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the right for the use of not to exceed 0.03 cubic foot per second of the Drainage water from Lake Labish Bed and other lands for supplemental irrigation of

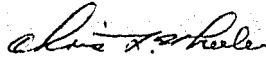
0.3 acres in Lot 3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
2.0 acres in Lot 11 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 14, Township 6 South, Range 2 West, W.M.,

is canceled.

An order of the State Engineer entered March 31, 1969 canceled certain rights, canceled the certificate recorded at page 35278, Volume 27, State Record of Water Right Certificates, and provided for the issuance of a new certificate describing the lands not involved in that proceeding.

It is FURTHER ORDERED that the lands involved in this proceeding not be included in the certificate provided for by the order entered March 31, 1969.

Dated at Salem, Oregon, this 6th day of May, 1970



CHRIS L. WHEELER
State Engineer