## BEFORE THE STATE ENGINEER OF OREGON AND THE STATE OF THE

Marion County

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On January 18, 1971, Joseph Serres submitted an affidavit that he is the owner of a water right and the lands to which the right is appurtenent; that he 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 part of that evidenced by the certificate recorded at Volume 17, Page 24376, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.06 cubic foot of water per second under a priority date of June 23, 1949, and for the use of not to exceed 0.02 cubic foot of water per second under a priority date of October 28, 1949, from an unnamed stream, Pudding River, and reservoir constructed under permit number R-1009, being 0.02 cubic foot of water per second from the unnamed stream when available and 0.06 cubic foot of water per second from Pudding River and any deficiency in supply in the unnamed stream to be made up by diversion from Pudding River for the irrigation of 5.6 acres in the SE% NE%, 1.0 acre in the NE% SE% of Section 17, Township 5 South, Range 1 West, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 1.51 cubic foot of water per second with a priority date of June 23, 1949, and 0.48 cubic foot of water per second with a priority date of October 28, 1949, being 0.55 cubic foot of water per second from an unnamed stream and 1.44 cubic foot of water per second from the Pudding River for the irrigation of:

10.8 acres in the SE% SE% as projected within Cooley DLC 42
Section 8

- 4.0 acres in the SWM SWM as projected within Cooley DLC 42 Section 9
- 15.0 acres in the NWA NWM as projected within Cooley DLC 42
- 9.2 acres in the SW% NW% as projected within Cooley DLC 42
- 12.0 acres in Lot 4 (NEX SWX)
- 0.4 acres in the NEX SWX as projected within Fitzgerald DLC 54
- 26.8 acres in the NWW SWW as projected within Fitzgerald DLC 54 Section 16
- 34.9 acres in the NE% NE% as projected within Cooley DLC 42
- 4.7 acres in the NW% NE% as projected within Cooley DLC 42
- 2.2 acres in the SWM NEW as projected within Cooley DLC 42
- 13.1 acres in the SE% NE% as projected within Cooley DLC 42
- 32.8 acres in the NEX SEX as projected within Fitzgerald DLC 54
  - 1.1 Mcres in the NWM SEM as projected within Fitzgerald DLC 54 Section 17

Township 5 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 water right for the use of not to exceed 0.06 cubic foot of water per second under a priority date of June 23, 1949, and for the use of not to exceed 0.02 cubic foot of water per second under a priority date of October 28, 1949, from an unnamed stream, Pudding River, and reservoir constructed under permit number R-1009, being 0.02 cubic foot of water per second from the unnamed stream when available and 0.06 cubic foot of water per second from Pudding River and any deficiency in supply in the unnamed stream to be made up by diversion from Pudding River for the irrigation of 5.6 acres in the SE% NE%, 1.0 acre in the NE% SE% of Section 17, Township 5 South, Range 1 West, W.M., is canceled.

Dated at Salem, Oregon, this 12th day of February, 1971.

11.70 (1975) 11.30 (1975)

CHRIS L. WHEELER
State Engineer