

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
BENTON COUNTY

IN THE MATTER OF CORRECTION OF)
A PORTION OF A WATER RIGHT IN)
THE NAME OF ROBERT H. GELLATLY)
FOR WATERS OF GELLATLY CREEK AND)
CANCELLATION OF THE REMAINDER)
OF THE WATER RIGHT)

O R D E R

The certificate issued to Robert H. Gellatly and recorded at page 1297, Volume 2, State Record of Water Right Certificates, describes the right to appropriate not to exceed 0.40 cubic foot per second of water from South Fork Mary's River and Gellatly Creek, under a priority date of February 17, 1911, for domestic use and irrigation of a certain 24 acres, being 4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, 16.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 12 South, Range 6 West, WM.

On April 7, 1978, Christine M. Gellatly and Raymond C. and Esther V. Gellatly, together, submitted an affidavit stating that they are the owners of certain real property in Sections 15 and 16, Township 12 South, Range 6 West, WM, Benton County, Oregon, to which a portion of the water right described by the said certificate is appurtenant;

That the said certificate is in error as to the location of the lands irrigated from Gellatly Creek in that the waters diverted from Gellatly Creek in the amount of 0.05 cubic foot per second, under a priority date of February 17, 1911, have always been used for irrigation of a certain 3.8 acres, being 1.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, as projected within the J. Bounds DLC 69, and 1.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, as projected within the G. Knowlton DLC 70, all within Township 12 South, Range 6 West, WM;

That the balance of the water right described by said certificate, as it applies to their land, has been abandoned and they therefore authorize the Water Resources Director to cancel the same from the records of his office.

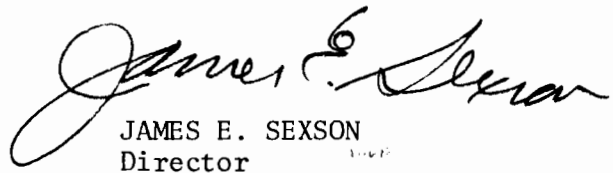
On April 1, 1981, Robert H. Gellatly, Jr., Andrew L. Gellatly as president of Chinquapin Investment Corporation, and Andrew L. and Aileen Gellatly submitted affidavits that they, collectively, are the owners of the remainder of

of the lands to which the water right described by the aforesaid certificate is appurtenant; and that they have abandoned any and all interest in and to said water right and authorize the Water Resources Director to cancel the same.

NOW, THEREFORE, it is ORDERED that with the exception of the appropriation of water from Gellatly Creek as described herein above, the water right described by the certificate issued to Robert H. Gellatly and recorded at page 1297, Volume 2, State Record of Water Right Certificates be, and the same is hereby canceled.

It is FURTHER ORDERED that the aforesaid certificate be canceled and in lieu thereof a new certificate be issued to describe the right to appropriate not to exceed 0.05 cubic foot per second of water from Gellatly Creek, under a priority date of February 17, 1911, for irrigation of a certain 1.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, as projected within the J. Bounds DLC 69, and 1.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, as projected within the G. Knowlton DLC 70, all within Township 12 South, Range 6 West, WM.

Dated at Salem, Oregon this 16th day of April, 1981.


JAMES E. SEXSON
Director