

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

O R D E R

On June 22, 1970, Norman Butler and Roger Paul submitted an affidavit that they are the owners of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same to be canceled.

The water right in question is part of that evidenced by the certificate recorded at Volume 26, page 34640, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.48 cubic foot per second of water from Pit No. 2 (a well), with a priority date of April 14, 1965, for supplemental irrigation of 38.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 8 South, Range 39 East, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 1.47 cubic feet per second of water from Pit No. 1, 0.72 cubic foot per second of water from Pit No. 2, and 0.36 cubic foot per second of water from Pit No. 3, with a priority date of April 14, 1965, for irrigation of:

GRAVEL PIT NO. 1

Primary	Supplemental
10.8 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
12.0 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
14.6 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
33.2 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
2.8 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 19
	6.9 acres
	37.0 acres
	Section 20
	NE $\frac{1}{4}$ SW $\frac{1}{4}$
	NW $\frac{1}{4}$ SW $\frac{1}{4}$

GRAVEL PIT NO. 2

Primary	Supplemental	
	32.0 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$
	25.2 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$
	Section 29	

GRAVEL PIT NO. 3

5.6 acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$
8.9 acres	19.5 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
	Section 29	
Township 8 South, Range 39 East, 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 0.48 cubic foot per second of water from Pit No. 2 with a date of priority of April 14, 1965, for supplemental irrigation of 38.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 8 South, Range 39 East, W.M. is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Volume 26, page 34640 is canceled and in lieu thereof a new certificate be issued to Norman Butler covering that part of the water right not in question which is for the appropriation of not to exceed 1.47 cubic feet per second of water from Pit No. 1, 0.72 cubic foot per second of water from Pit No. 2, and 0.36 cubic foot per second of water from Pit No. 3, with a date of priority of April 14, 1965, for irrigation of:

GRAVEL PIT NO. 1

Primary	Supplemental	
10.8 acres		NE $\frac{1}{4}$ NW $\frac{1}{4}$
12.0 acres		SE $\frac{1}{4}$ SW $\frac{1}{4}$
14.6 acres		NE $\frac{1}{4}$ SE $\frac{1}{4}$
33.2 acres		NW $\frac{1}{4}$ SE $\frac{1}{4}$
2.8 acres	Section 19	SW $\frac{1}{4}$ SE $\frac{1}{4}$

GRAVEL PIT NO. 2

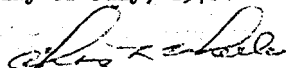
Primary	Supplemental
	32.0 acres
	25.2 acres
	Section 29

NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$

GRAVEL PIT NO. 3

5.6 acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$
8.9 acres	19.5 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
	Section 29	
Township 8 South, Range 39 East, W.M.		

Dated at Salem, Oregon this 3rd day of July, 1970.



CHRIS L. WHEELER
State Engineer