

BEFORE THE STATE ENGINEER OF OREGON

Marion County

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

ORDER

On December 11, 1968, Harvey L. Lea submitted an affidavit that he is the owner of the following described lands:

Beginning at a point in the center of a county road which is north 11.428 chains from the northeast corner of the Wm. Morgan D.L.C. No. 72 in Township 6 South, Range 2 West, W.M.; thence S. 57° 38' W. 15.242 chains to an iron pipe; thence N. 10° 39' W. 13.96 chains to the center of the main drainage ditch; thence along the center of the main drainage ditch N. 73° 45' E. approximately 4.25 chains and N. 51° 20' E. approximately 6.5 chains to the center of the county road; thence along the center of the county road S. 29° 13' E. 12.515 chains to the point of beginning

and the water right appurtenant thereto, that he has abandoned any and all interest in and to said water right and requests the same be canceled.

The water right in question is for the use of not to exceed 0.07 cubic foot per second of the waters from a well, tributary of Lake Labish Main Ditch, for irrigation of 5.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.3 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Lacerti D.L.C. 71, Section 29, Township 6 South, Range 2 West, W.M., lying south of said drain, with a date of priority of March 30, 1964, and is evidenced by certificate of water right issued in the name of Emery J. & Irene L. Jones and recorded at page 34267, Volume 26, State Record of Water Right Certificates.

That part of said water right for the use of not to exceed 0.15 cubic foot per second of the waters from a well, tributary of Lake Labish Drainage Ditch, for irrigation of 1.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Lacerti D.L.C. 71, Section 29, Township 6 South, Range 2, West, W.M., with a date of priority of March 30, 1964, as

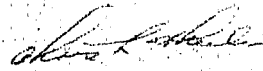
evidenced by certificate of water right recorded at page 34267, Volume 26, State Record of Water Right Certificates, is not in question in this proceeding.

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 0.07 cubic foot per second of the waters of a well, tributary of Lake Labish Drainage Ditch, for irrigation of 5.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.3 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Lacerti D.L.C. 71, Township 6 South, Range 2 West, W.M., lying south of said ditch, with a date of priority of March 30, 1964, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 34267, Volume 26, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Emery J. & Irene L. Jones covering that part of the water right not in question which is for the use of not to exceed 0.15 cubic foot per second of the waters from a well, tributary of Lake Labish Drainage Ditch, for irrigation of 1.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Lacerti D.L.C. 71, Section 29, Township 6 South, Range 2 West, W.M., with a date of priority of March 30, 1964.

Dated at Salem, Oregon, this 17th day of December, 1968.


CHRIS L. WHEELER
State Engineer