

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF A PARTIAL CANCELATION)  
OF A WATER RIGHT IN THE NAME OF ED AND)  
MAYBELLE BECHTEL )  
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O R D E R

On June 5, 1964, Fred and Patricia Krauss submitted an affidavit that they are the owners of a parcel of land described as follows and the water right appurtenant thereto:

Beginning at a point which is 1440 feet north of the southeast corner of Section 10, Township 38 South, Range 8 West, W.M., Oregon; and running thence south 50 feet to the center of Clear Creek; thence along the center of Clear Creek as follows: south  $76^{\circ} 30'$  west, 296 feet; south  $56^{\circ}$  west, 610 feet; south  $17^{\circ} 30'$  west 166 feet; thence south  $77^{\circ} 45'$  east to a point which is the northwest corner of the tract of land now owned by Catherine Nosser; thence south  $3^{\circ} 45'$  east 387.2 feet; thence south  $22^{\circ}$  west, 363.4 feet to the south line of said Section 10, thence west 165.6 feet to the southeast corner of the  $W\frac{1}{2} SW\frac{1}{2} SE\frac{1}{2} SE\frac{1}{2}$ , said Section 10; thence north 1440 feet; thence east 990 feet to the point of beginning. Less and excepting a tract of land off the south side of the premises above described, conveyed to the State of Oregon by deed recorded in Vol. 70 deed records of Josephine County, Oregon, at page 291, containing 1.38 acres. The premises hereby conveyed containing 11 acres, more or less.

On the same day, David H. and Mary P. Lloyd also submitted an affidavit that they are the owners of a parcel of land described as follows and the water right appurtenant thereto:

Beginning at a point which bears north 586 feet from the section corner common to Sections 10, 11, 14 and 15 in said Township and Range, and run thence south  $77^{\circ} 45'$  east, 81.6 feet to a point in the westerly line of the Redwood Highway; thence north  $28^{\circ} 00'$  east, along the chord of a  $2^{\circ} 00'$  curve, 497 feet; thence north  $79^{\circ} 30'$  west, 860 feet, more or less, to a point in the center line of Clear Creek; thence southwesterly along Clear Creek to a point which bears north  $77^{\circ} 45'$  west, from the point of beginning; thence south  $77^{\circ} 45'$  east, 905 feet, more or less, to the point of beginning.

All parties state that they have abandoned any and all interest in and to the water right and request the same be canceled.

The water right in question is a part of that allowed by Decree of the Circuit Court for Josephine County, Oregon, entered September 26, 1939, In the Matter of the Determination of the Relative Rights to the Use of the

waters of Illinois River and its Tributaries, and is for the use of the waters of Deer Creek, with dates of priority of 1885 and July 7, 1932, for the irrigation of 2.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 15.0 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10 and 2.5 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, Township 38 South, Range 8 West, W.M., which right is evidenced by certificate recorded at page 13831, Volume 12, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the use of the waters of Deer Creek with a date of priority of 1885 and July 7, 1932, for the irrigation of 26.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 30.3 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 7.9 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 7.8 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10, and 2.4 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 2.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, Township 38 South, Range 8 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 right to the use of the waters of Deer Creek, with a date of priority of 1885, for irrigation of 2.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 15.0 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10 and 2.5 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, Township 38 South, Range 8 West, W.M., is canceled.

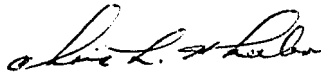
Dated at Salem, Oregon, this 24th day of September, 1964.

*Noted on Decree*

*Vol. 13 p. 101*

*Cert. # 13831*

*(Salem, Oregon 9/23)*



CHRIS L. WHEELER  
State Engineer