

BEFORE THE STATE ENGINEER OF OREGON

Marion County

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

O R D E R

On March 8, 1968, Harley A. & Marian C. Piper submitted an affidavit that they are the owners of the following described lands:

Beginning on the north line of the Andrew Bowers D.L.C. No. 53 in Township 4 South, Range 2 West, W.M., at a point which is 66.52 chains North 67° 05' West from the northeast corner of said claim; thence North 23° 23' East 16.27 chains; thence South 67° 05' East 40.22 chains to the center of the county road; thence South 29° 12' West along the center of said county road 7.90 chains; thence North 67° 05' West 8.91 chains; thence South 71° 12' West 12.64 chains to the north line of said claim; thence North 67° 05' West 21.06 chains to the place of beginning,

and the water right appurtenant thereto; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is for the use of not to exceed 0.17 cubic foot per second of the waters of a well, tributary of Champoeg Creek, for irrigation of 8.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 19.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Barnabie D.L.C. No. 50, Section 26, Township 4 South, Range 2 West, W.M., with a date of priority of May 8, 1958, and is evidenced by certificate of water right issued in the name of Charles Newton Davis and recorded at page 30810, Volume 22, State Record of Water Right Certificates.

That part of said water right for the use of not to exceed 0.48 cubic foot per second of the waters of a well for irrigation of 0.4 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22; and 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 29.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 29.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26; and 19.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, all as projected within Barnabie D.L.C. No. 50, Township 4 South, Range 2 West, W.M., with a date of priority of May 8, 1958, as evidenced by certificate of water right recorded at page 30810, Volume 22, 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 to the use of not to exceed 0.17 cubic foot per second of the waters of a well for irrigation of 8.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 19.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Barnabee D.L.C. No. 50, Section 26, Township 4 South, Range 2 West, W.M., with a date of priority of May 8, 1958, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 30810, Volume 22, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Walter J. & Kathleen R. Wilmes covering that part of the water right not in question which is for the use of not to exceed 0.48 cubic foot per second of the waters of a well for irrigation of 0.4 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22; and 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 29.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 29.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26; and 19.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, all as projected within Barnabee D.L.C. No. 50, Township 4 South, Range 2 West, W.M., with a date of priority of May 8, 1958.

Dated at Salem, Oregon, this 18th day of March, 1968.


CHRIS L. WHEELER
State Engineer