

BEFORE THE STATE ENGINEER OF OREGON

Jefferson County

IN THE MATTER OF)
THE CANCELATION)
OF WATER RIGHTS)

O R D E R

On March 20, 1968, Ronald B. Ochs submitted an affidavit that he is the owner of that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., lying northwesterly of County Road No. 509, and the water rights appurtenant thereto; that he has abandoned any and all interest in and to said water rights and requests the same to be canceled.

The water rights in question are:

(a) as established by Decree of the Circuit Court for Jefferson County, entered August 10, 1918, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Trout Creek and its Tributaries, in the name of Bidwell Cram, for the use of not to exceed one acre foot per acre during any period of thirty days or three acre feet per acre during any irrigation season of the waters of Hay Creek and its tributaries, for irrigation of, among other lands, 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with dates of priority of 1885 from Hay Creek and 1886 from Wilson Creek, as evidenced by certificate of water right recorded at page 2230, Volume 3, State Record of Water Right Certificates;

(b) as established by Decree of the Circuit Court for Jefferson County, entered August 10, 1918, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Trout Creek and its Tributaries, in the name of H. L. and Mary Priday, for the use of not to exceed one acre foot per acre during any period of thirty days or three acre feet per acre

during any irrigation season of the waters of Hay Creek for irrigation of, among other lands, 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of 1902, as evidenced by certificate of water right recorded at page 2256, Volume 3, State Record of Water Right Certificates;

(c) for the use of not to exceed 0.12 cubic foot per second, including the amount secured under any other right, of the waters of Trout Creek for supplemental irrigation of, among other lands, 9.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of November 12, 1915, and is evidenced by certificate of water right issued in the name of Bidwell Cram, as Trustee, and recorded at page 3490, Volume 4, State Record of Water Right Certificates;

(d) for the use of not to exceed one-eightieth of a cubic foot per second per acre, together with the amount secured under any other right existing for the same lands, of the waters of Lyle Ditch and Reservoir, for supplemental irrigation of, among other lands, 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of May 6, 1911, and is evidenced by certificate of water right issued in the name of Chester M. Kennedy and recorded at page 9690, Volume 9, State Record of Water Right Certificates.

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 one acre foot per acre during any period of thirty days or three acre feet per acre during any irrigation season of the waters of Hay Creek and its tributaries, for irrigation of 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with dates of priority of 1885

from Hay Creek and 1886 from Wilson Creek, as evidenced by certificate of water right recorded at page 2230, Volume 3, State Record of Water Right Certificates, is canceled;

It is FURTHER ORDERED that the right for the use of not to exceed one acre foot per acre during any thirty day period or three acre feet per acre during any irrigation season of the waters of Hay Creek for irrigation of 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of 1902, as evidenced by certificate of water right recorded at page 2256, Volume 3, State Record of Water Right Certificates, is canceled;

It is FURTHER ORDERED that the right for the use of not to exceed 0.12 cubic foot per second, including the amount secured under any other right, of the waters of Trout Creek for supplemental irrigation of 9.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of November 12, 1915, as evidenced by certificate of water right recorded at page 3490, Volume 4, State Record of Water Right Certificates, is canceled, and;

It is FURTHER ORDERED that the right for the use of not to exceed one eightieth of a cubic foot per second, together with the amount secured under any other right existing for the same lands, of the waters of Lyle Ditch and Reservoir, for supplemental irrigation of 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of May 6, 1911, as evidenced by certificate of water right recorded at page 9690, Volume 9, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 5th day of April, 1968.



CHRIS L. WHEELER
State Engineer

Noted on Deeds

Vol. 5, p. 93

Cert. 2230

Vol. 5, p. 80

Cert. 2250