

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

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

O R D E R

On June 21, 1974, Luther E. Stone and Opal D. Stone submitted an affidavit that they are the owners of the following described land:

Commencing on the east line of Section 36, Township 33 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, which point bears south 0° 17' West 394.80 feet from the Northeast corner of said Section 36; thence West 385.8 feet to a 3/4" iron pipe; thence South 1° 00' West 482.74 feet to a 2" iron pipe on the northerly line of Highway 62; thence along said highway South 68° 18' West 258.15 feet to the true point of beginning; thence continue South 68° 18' West along the Northerly line of said highway 100.0 feet; thence North 18° 49' West 150 feet; thence North 68° 18' East 100 feet; thence South 18° 49' East 150 feet to the true point of beginning;

and the water right appurtenant thereto; 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 28, page 36602, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.01 cubic foot per second of water from Elk Creek, with a priority date of 1894, for irrigation of 0.34 acre in the NE¼ NE¼, Section 36, Township 33 South, Range 1 West, W.M., as confirmed by Decree of the Circuit Court for Jackson County entered April 26, 1919 in the name of Norman T. McDonald.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 1.92 cubic feet per second of water from Elk Creek, with a priority date of 1894 for irrigation of:

- 9.9 acres in NE¼ SW¼
- 6.0 acres in SW¼ SW¼
- 5.8 acres in SE¼ SW¼
- 8.4 acres in NW¼ SE¼

Section 30
Township 33 South, Range 1 East, W.M.,

10.66 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
3.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
9.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
14.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 36

Township 33 South, Range 1 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 water right for the use of 0.01 cubic foot per second of water from Elk Creek with a date of priority of 1894, for irrigation of 0.34 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Township 33 South, Range 1 West, W.M. is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Volume 28, page 36602 is canceled and in lieu thereof a new certificate be issued to Johnson Brothers Irrigation Ditch Co. covering that part of the water right not in question which is for the appropriation of not to exceed 1.92 cubic feet per second of water from Elk Creek, with a priority date of 1894, for irrigation of:


9.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
6.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
5.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
8.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 30

Township 33 South, Range 1 East, W.M.,

10.66 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
3.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
9.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
14.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 36

Township 33 South, Range 1 West, W.M.

Dated at Salem, Oregon this 2nd day of August, 1974.


CHRIS L. WHEELER *Eng. E.*
State Engineer