

BEFORE THE STATE ENGINEER OF OREGON

Baker County

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

O R D E R

On March 10, 1966, Eunice Walter Logan submitted an affidavit that she is the legal owner of the following described lands:

The East half ( $E\frac{1}{2}$ ) of the Southeast quarter ( $SE\frac{1}{4}$ ) and the Southwest quarter ( $SW\frac{1}{4}$ ) of the Southeast quarter ( $SE\frac{1}{4}$ ) of Section Thirty-four (34); and the Southwest quarter ( $SW\frac{1}{4}$ ) of the Southwest quarter ( $SW\frac{1}{4}$ ) of Section Thirty-five (35), in Township Nine (9) South, of Range Forty (40) East of the Willamette Meridian; and the West half ( $W\frac{1}{2}$ ) of the Northwest quarter ( $NW\frac{1}{4}$ ) of Section Two (2), and the North half ( $N\frac{1}{2}$ ) of the Northeast quarter ( $NE\frac{1}{4}$ ) of Section Three (3), in Township Ten (10) South, of Range Forty (40) East of the Willamette Meridian.

The Southeast Quarter of the Northwest Quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ), the Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4} SW\frac{1}{4}$ ) the Northwest Quarter of the Southeast Quarter ( $NW\frac{1}{4} SE\frac{1}{4}$ ) of Section Thirty-four (34), Township Nine (9) South, Range Forty (40), East of Willamette Meridian, EXCEPTING therefrom 20 acres, more or less, in the Southeast Quarter of the Northwest Quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ), which has heretofore been conveyed to Charles D. Kesler and Renia M. Kesler, his wife, as described in that certain deed bearing date of October 15th, 1946. ALSO EXCEPTING THEREFROM, that portion of said premises heretofore conveyed for rights-of-way for Light and Power lines, roadways, highways, railroads and pipe lines.

and the water right appurtenant to said lands; that she has abandoned any and all interest in and to said water right and requests the same to be canceled.

The water right in question is for the use of not to exceed  $1/40$ th of one cubic foot per second per acre of the waters of Sutton Creek, a tributary of Powder River, for Tract No. 1, for the irrigation of 20 acres in  $SW\frac{1}{4} SE\frac{1}{4}$ , 30 acres in  $SE\frac{1}{4} SE\frac{1}{4}$ , Section 34; and 10 acres in  $SW\frac{1}{4} SW\frac{1}{4}$ , Section 35, Township 9 South, Range 40 East, W.M.; 30 acres in  $NW\frac{1}{4} NW\frac{1}{4}$ , 25 acres in  $SW\frac{1}{4} NW\frac{1}{4}$ , Section 2; and 15 acres in  $NE\frac{1}{4} NE\frac{1}{4}$ , Section 3, Township 10 South, Range 40 East, W.M., with a date of priority of 1908, evidenced by certificate of water

right issued in the name of S. O. Correll and recorded at page 20312, Volume 15, State Record of Water Right Certificates.

That part of said water right for the use of not to exceed 1/40th of one cubic foot per second per acre of the waters of Powder River for Tracts No. 2, 3 and 4, for the irrigation of 25 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 40 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 18, Township 9 South, Range 40 East, W.M., being Tract No. 2, with a date of priority of 1880; and 15 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 23 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 18, Township 9 South, Range 40 East, W.M., being Tract No. 3, with a date of priority of 1883, and for 5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 35, Township 8 South, Range 40 East, W.M., and 40 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 10, Township 9 South, Range 40 East, W.M., being Tract No. 4, with a date of priority of April 24, 1885, is not in question.

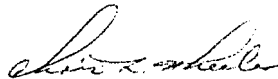
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right".

NOT THEREFORE, it is hereby ORDERED that the right to the use of not to exceed 1/40th of one cubic foot per second per acre of the waters of Sutton Creek, a tributary of Powder River, being Tract No. 1, for the irrigation of 20 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 30 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34; and 10 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 35, Township 9 South, Range 40 East, W.M.; 30 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 25 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 2; and 15 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 3, Township 10 South, Range 40 East, W.M., with a date of priority of 1908, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 20312, Volume 15, State Record of Water Right Certificates is canceled, and in lieu thereof a certificate be issued covering the remaining water right not in question which is for the use of not to exceed 1/40th of one

cubic foot per second per acre of the waters of Powder River for irrigation of 25 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 40 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 16, Township 9 South, Range 40 East, W.M., being Tract No. 2, with a date of priority of 1880; 15 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 23 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 18, Township 9 South, Range 40 East, W.M., being Tract No. 3, with a date of priority of 1883; and for 5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 35, Township 8 South, Range 40 East, W.M., and 40 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 10, Township 9 South, Range 40 East, W.M., being Tract No. 4, with a date of priority of April 24, 1885.

Dated at Salem, Oregon, this 31st day of March, 1966.



CHRIS L. WHEELER  
State Engineer