

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF CANCELLATION )  
OF A PORTION OF WATER RIGHTS )  
IN THE NAMES OF R. E. & J. F. )  
JOHNSON, JAMES F. JOHNSON, AND )  
CHAS. & LILLIAN L. SHELTON \_ \_ )

O R D E R

On February 15, 1978, Jack W. Brophy, Sr. and Helen M. Brophy submitted affidavits that they are the owners of certain water rights and the lands to which the water rights are appurtenant; that they have abandoned any and all interest in and to the said water rights and request the same be canceled.

The water rights in question are portions of the rights described by: (a) certificate issued to R. E. & J. F. Johnson and recorded at Page 38772, Volume 30, State Record of Water Right Certificates, and is for the use of not to exceed 0.05 cubic foot of water per second from Rogue River, with a date of priority of July 5, 1928, for the irrigation of 4.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, Township 34 South, Range 1 West, W.M.; (b) certificate issued to Chas. and Lillian L. Shelton and recorded at Page 43989, Volume 36, State Record of Water Right Certificates, and is for the use of not to exceed 0.06 cubic foot of water per second from Rogue River, with a date of priority of July 5, 1928, for the irrigation of 5.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, Township 34 South, Range 1 West, W.M.; and (c) certificate issued to James F. Johnson and recorded at Page 29849, Volume 21, State Record of Water Right Certificates, and is for the use of not to exceed 0.03 cubic foot of water per second from a well, with a priority date of October 8, 1957, for the irrigation of 2.4 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, Township 34 South, Range 1 West, W.M.

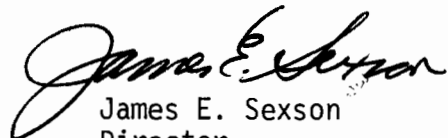
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resour-

ces Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water rights, being portions of the right described by the certificates recorded at Page 38772, Volume 30; Page 43989, Volume 36; and Page 29849, Volume 21, State Record of Water Right Certificates, are canceled.

It is FURTHER ORDERED that the said certificates of water right are canceled, and in lieu thereof, new certificates be issued to describe the balance of the water rights NOT involved in this proceeding.

Dated at Salem, Oregon, this 6th day of June, 1978.

  
James E. Sexson  
Director