

BEFORE THE STATE ENGINEER OF OREGON

Lake County

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

O R D E R

-----  
On March 20, 1968, Robert C. Utley, President of Favell-Utley Realty Co. Inc., submitted an affidavit that Favell-Utley Realty Co. Inc., is the owner of described lands and the water right appurtenant thereto; that they have abandoned any and all interest in and to said water right and request the same be canceled.

On August 4, 1969, T. C. Frick, Vice President of Atlantic Richfield Company, submitted an affidavit that Atlantic Richfield Company is the owner of described lands and the water right appurtenant thereto; that they have abandoned any and all interest in and to said water right and request the same be canceled.

On October 17, 1969, First Lutheran Church of Lakeview and Alan C. Goudy, Vice President of Lakeview Logging Company, submitted affidavits that they are the owners of described lands and the water right appurtenant thereto; that they have abandoned any and all interest in and to said water right and request the same be canceled.

The water right in question is for the use of not to exceed three-fourths acre foot per acre during any thirty day period prior to June 1st, and one-half acre foot per acre during any thirty day period after June 1st of each year; and two and one-half acre feet per acre during any irrigation season; to be diverted under a head of not to exceed one-fortieth of a second foot per acre of the waters of Hamersly Canyon Creek for irrigation of:

- 0.2 acre in SW $\frac{1}{4}$  NE $\frac{1}{4}$
  - 40.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$
  - 11.2 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$
  - 12.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$
  - 40.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$
  - 40.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$
- Section 4

Township 39 South, Range 20 East, W.M.,

with a date of priority of 1869, as established by Decree of the Circuit Court for Lake County, entered May 15, 1923, and evidenced by certificate of water right issued in the names of Harry A. Hunter, Inland Empire Company and Peter A. Brady and recorded at page 5244, Volume 6, State Record of Water Right Certificates.

That part of the above described water right for the use of not to exceed three-fourths acre foot per acre during any thirty day period prior to June 1st, and one-half acre foot per acre during any thirty day period after June 1st of each year; and two and one-half acre feet per acre during any irrigation season; to be diverted under a head of not to exceed one-fortieth of a second foot per acre of the waters of Hamersly Canyon Creek for irrigation of 10.0 acres in  $S\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, Township 39 South, Range 20 East, W.M., with a date of priority of 1869, as evidenced by certificate of water right recorded at page 5244, Volume 6, 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 for the use of not to exceed three-fourths acre foot per acre during any thirty day period prior to June 1st, and one-half acre foot per acre during any thirty day period after June 1st of each year; and two and one-half acre feet per acre during any irrigation season; to be diverted under a head of not to exceed one-fortieth of a second foot per acre of the waters of Hamersly Canyon Creek for irrigation of:

0.2 acre in SW $\frac{1}{4}$  NE $\frac{1}{4}$   
40.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$   
11.2 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$   
12.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$   
40.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
40.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 4

Township 39 South, Range 20 East, W.M.,  
with a priority date of 1869, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 5244, Volume 6, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Freemont Lumber Company, Lakeview, Oregon covering that part of the water right not in question which is for the use of not to exceed three-fourths acre foot per acre during any thirty day period prior to June 1st, and one-half acre foot per acre during any thirty day period after June 1st of each year; and two and one-half acre feet per acre during any irrigation season; to be diverted under a head of not to exceed one-fortieth of a second foot per acre of the waters of Hamersly Canyon Creek for irrigation of 10.0 acres in S $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, Township 39 South, Range 20 East, W.M., with a date of priority of 1869.

Dated at Salem, Oregon this 31st day of October, 1969.



CHRIS L. WHEELER  
State Engineer

*Noted on Dec 22  
Vol. 6, p. 5244  
cert 5244*

*Superseding  
Certificate  
36476*