

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

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

O R D E R

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On September 8, 1970, E. L. Bennett and Robert W. Dunn, acting as Chairman and Aeronautics Administrator respectively, for the Oregon State Board of Aeronautics submitted an affidavit that the Board of Aeronautics is the legal owner of a water right and the lands to which the right is appurtenant; that the Board of Aeronautics has abandoned any and all interest in and to said water right and request the same to be canceled.

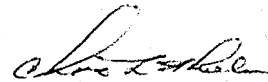
The water right in question is for the use of not to exceed one and one-half acre feet per acre during any period of thirty days prior to July 31, of each year, and thereafter not to exceed one acre foot per acre during the entire remainder of the irrigation season from Hurricane Creek for the irrigation of 9.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 36, Township 2 South, Range 44 East, W.M., with a date of priority of 1881, and is evidenced by certificate of water right issued in the name of E. P. Castor and recorded at page 2976, Volume 4, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed one and one-half acre feet per acre during any period of thirty days prior to July 31, of each year, and thereafter not to exceed one acre foot per acre during the entire remainder of the irrigation season of the waters of Hurricane Creek for the irrigation of 20.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 18.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 36, Township 2 South, Range 44 East, W.M., with a priority date of 1881, and 33.0 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 36, Township 2 South, Range 44 East, W.M., with a date of priority of 1892, and domestic and stock with a date of priority of 1879, is not in question. Lyle K. Boner has submitted an application for change in point of diversion for the irrigation of these lands.

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 right for the use of not to exceed one and one-half acre feet per acre during any period of thirty days prior to July 31, of each year, and thereafter not to exceed one acre foot per acre during the entire remainder of the irrigation season of the waters of Hurricane Creek for the irrigation of 9.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 36, Township 2 South, Range 44 East, W.M., with a priority of 1881, is canceled.

Dated at Salem, Oregon this 21st day of September, 1970.



CHRIS L. WHEELER  
State Engineer

noted on decree  
Vol 5, p. 151  
cert. 2996

ore transfer 2781

subroeding  
certificate  
39207