

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

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

O R D E R

On May 16, 1963, Oliver L. Spitzer and Beatrice A. Spitzer submitted a sworn statement that they are the legal owners of Lots 21 and 22, Block 7, Hermann's Subdivision, located in Section 27, Township 29 South, Range 5 West, W.M., and the water right appurtenant thereto, asserting that they have abandoned any and all interest in said water right and requesting that same be canceled.

The water right in question is a part of the right to the use of 1.74 cubic feet per second of the waters of North Myrtle Creek for the irrigation of a total of 139.0 acres in Sections 14, 22, 23, and 27, Township 29 South, Range 5 West, WM, with a date of priority of September 25, 1920, being evidenced by a certificate of water right issued to the North Myrtle Irrigation Company and recorded in Volume 7 at page 7566, State Record of Water Right Certificates.

Lots 21 and 22, Block 7, Hermann's Subdivision, contain 0.46 acre within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 29 South, Range 5 West, W.M., as determined from the application map submitted by Oliver L. and Beatrice A. Spitzer with their new application for a permit, assigned No. 38661.

ORS 540.62 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 cancellation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the water right appurtenant to 0.46 acre within Lots 21 and 22, Block 7, Hermann's Subdivision, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 29 South, Range 5 West, W.M., under certificate of water right recorded in Volume 7 at page 7566, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 22nd day of October, 1963.

Noted on records

*App. # 7550
Cert. # 7566*



CHRIS L. WHEELER
State Engineer