

BEFORE THE STATE ENGINEER OF OREGON

Benton County

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

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On May 9, 1966. A. L. Guerber submitted an affidavit that he is the legal owner of 2.3 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.6 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Kendall D.L.C. 48, Section 19, Township 11 South, Range 4 West, W.M., and the water right appurtenant to these lands; that he has abandoned any and all interest in and to said water right and requests the same to be canceled.

On May 11, 1966, Ralph D. and Velma P. Rawie submitted an affidavit that they are the legal owners of the following described lands:

Beginning at the Northeast corner of James H. Stewart D.L.C. No. 49, in Township 11 South, Range 4 West, W.M. in Benton County, Oregon, running thence south 1° 07' east 26.38 chains; thence west 19.074 chains to the west line of said claim; thence north 0° 45' west 18.183 chains to the northeast corner of Archimedes Stewart Claim No. 46; thence north 0° 48' west 8.037 chains to the northwest corner of said James H. Stewart D.L.C. No. 49; thence north 89° 31' east 19.04 chains to the place of beginning;

and the water right appurtenant to 5.9 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 19.8 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of the above described lands; that they have 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 0.19 cubic foot per second of water from Well No. 4 for the irrigation of 1.6 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 2.3 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Kendall D.L.C. No. 48, and 5.9 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 19.8 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Stewart D.L.C. No. 49, Section 19, Township 11 South, Range 4 West, W.M., with a date of priority of April 2, 1963,

evidenced by certificate of water right issued in the name of Allen L. Guerber and recorded at page 31691, Volume 23, State Record of Water Right Certificates.

That part of said water right for the use of not to exceed 0.23 cubic foot per second of water from Well No. 4 for the irrigation of 0.8 acre in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 8.5 acres in Lot 3 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) Section 18; and 4.3 acres in Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 12.6 acres in Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) and 9.2 acres in Lot 4 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 19, Township 11 South, Range 4 West, W.M., is not in question.

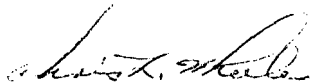
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the right to the use of not to exceed 0.19 cubic foot per second of water from Well No. 4 for irrigation of 1.6 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 2.3 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Kendall D.L.C. No. 48, and 5.9 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 19.8 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Stewart D.L.C. No. 49, Section 19, Township 11 South, Range 4 West, W.M., with a date of priority of April 2, 1963, evidenced by certificate of water right issued in the name of Allen L. Guerber and recorded at page 31691, Volume 23, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 31691, Volume 23, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Allen L. Guerber covering that part of the water right not in question which is for the use of not to exceed 0.23 cubic foot per second of water from Well No. 4 for the irrigation of 0.8 acre in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 8.5 acres in Lot 3 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 18, and 4.3 acres in Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 12.6 acres in Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ),

9.2 acres in Lot 4 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 19, Township 11 South, Range 4 West,  
W.M., with a date of priority of April 2, 1963.

Dated at Salem, Oregon, this 13th day of May, 1966.



CHRIS L. WHEELER  
State Engineer