

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

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

O R D E R

On October 17, 1973, Virgil D. and Genevieve Rhinhart, P. O. Box 433, Hermiston, Oregon, submitted an affidavit that they are the owners of the following described land:

TRACT I: Beginning at a point on the North line of South half of the Southeast Quarter of the Northeast Quarter of Section 3, Township 4 North, Range 28 at the intersection of the West line of lands conveyed to State of Oregon by Deed recorded in Book 149 at page 415 of the Deed Records of Umatilla County, Oregon, for highway purposes, (said point being 54 feet West of the East line of said Section 3); thence West along said North line of the South half of the Southeast Quarter of the Northeast Quarter, a distance of 455 feet to the true point of beginning for this description; thence West along the said North line of the South half of the Southeast Quarter of the Northeast Quarter a distance of 291 feet; thence due South 250 feet; thence due East 291 feet to a point which is 455 feet West of the West line of said lands conveyed to the State of Oregon; thence North 250 feet to the point of beginning.

TRACT II: Beginning at a point on the North line of the South half of the Southeast Quarter of the Northeast Quarter of Section 3, Township 4 North, Range 28 at the intersection of the West line of lands conveyed to the State of Oregon by deed recorded in Book 149 at page 415 of the Deed Records of Umatilla County, Oregon, for highway purposes; running thence West along the said North line of the South half of the Southeast Quarter of the Northeast Quarter a distance of 455 feet to the Northeast corner of parcel of land deeded to Carl Bolson by deed recorded in Deed Book 205 at page 672, which is the point of beginning of this description; thence South along the East line of said Bolson land 260 feet; thence East 205 feet; thence North 260 feet to the North line of the South half of the Southeast Quarter of the Northeast Quarter; thence West along said North line 205 feet to the point of beginning.

TRACT III: Beginning at a point on the North line of the South half of the Southeast Quarter of the Northeast Quarter of Section 3, Township 4 North, Range 28, which is 746 feet West of the West line of lands conveyed to the State of Oregon by deed recorded in Book 149 at page 415 of the Deed Records of Umatilla County, Oregon, measured along said North line; thence West along said North line of the South half of the Southeast Quarter of said Section 3, a distance of 54 feet; thence due South 260 feet; thence due East 345 feet to a point 455 feet West of the West line of said lands conveyed to the State of Oregon; thence North 10 feet; thence due West 291 feet; thence due North 250 feet to the point of beginning.

TRACT IV: An easement for access purposes over and across a strip of land 15 feet in width, the Southerly boundary of said strip beginning at the Southeast corner of Tract II above and running Easterly along the Easterly extended South line of Tract II to a point on the West line of lands conveyed to State of Oregon for highway purposes by deed recorded in Deed Book 149 at page 415,

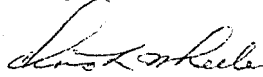
and the water right appurtenant thereto, that they have abandoned any and all interest in and to said water right and request the same be canceled.

The water right in question is for the use of not to exceed one-eightieth cubic foot per second per acre of the waters of the Umatilla River for the irrigation of 3.28 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 4 North, Range 28 East, W.M., as established by Decree of the Circuit Court for Umatilla County entered September 9, 1916, in the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of Umatilla River and its Tributaries, in the name of United States of America (now Hermiston Irrigation District) with a priority date of February 25, 1904 and September 6, 1905. (No certificate issued.)

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 one-eightieth cubic foot per second per acre of the waters of the Umatilla River for the irrigation of 3.28 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 4 North, Range 28 East, W.M., with a priority date of February 25, 1904 and September 6, 1905, is canceled.

Dated at Salem, Oregon this 3rd day of September, 1974.



CHRIS L. WHEELER *Eng*
State Engineer