

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE)
CANCELATION OF A RIGHT)
TO THE USE OF WATER FOR)
THE DEVELOPMENT OF POWER)
- - - - -

O R D E R

By Decree of the Circuit Court for Umatilla County, Oregon, 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, a water right was established in the name of Sophie Byers for the appropriation of 167.0 cubic feet per second of water from Umatilla River with a date of priority of 1870 for the development of power in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 11, Township 2 North, Range 32 East, W. M., and for the appropriation of water from Umatilla River for the irrigation of 17.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 4.6 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 2 North, Range 32 East, W. M., with a date of priority of 1895. Certificate of water right confirming this right was issued to Sophie Byers and recorded at page 2498, Volume 3, State Record of Water Right Certificates.

Lillian B. Glenn, successor in interest to Sophie Byers, has failed for a period of five successive years, ending after August 20, 1957, to pay the annual license fees as required by ORS 543.710.

ORS 543.730 provides that the failure of any claimant for a period of five successive years ending after August 20, 1957, to pay the annual license fee as required by ORS 543.710, shall be conclusive evidence of the abandonment by the claimant of the claim and of all right to water for power purposes in connection with such claim. Said section also provides that when a claim is abandoned under the above provisions, the State Engineer shall cancel the claim on the records of his office, and the water right certificate theretofore issued in connection therewith, and send a certified copy of his order canceling the water right certificate to the county clerk and said county clerk shall stamp or write across the face of the recorded water right certificate which evidenced the water right canceled, the words "Canceled by Order

of the State Engineer dated _____".

It appearing that the right to the use of water for the development of power has been abandoned and the right to the use of water for irrigation purposes is still being exercised, the certificate of water right heretofore issued to Sophie Byers and recorded at page 2498, Volume 3, State Record of Water Right Certificates, should be canceled and a new certificate of water right issued to Lillian B. Glenn, successor of Sophie Byers, covering the use of water for irrigation purposes.

NOW, THEREFORE, it hereby is ORDERED that certificate of water right heretofore issued to Sophie Byers and recorded at page 2498, Volume 3, State Record of Water Right Certificates, be and the same is canceled and that a new certificate of water right shall be issued to Lillian B. Glenn, successor of Sophie Byers, covering the use of water for the irrigation of 17.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 4.6 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 2 North, Range 32 East, W. M., with a date of priority of 1895.

Dated at Salem, Oregon, this 24th day of October, 1961.

Noted on Decree
Vol. 3, p. 196
Cert. # 2498

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

Power Claim # 3