

A F F I D A V I T

RECEIVED  
FEB 23 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON

STATE OF OREGON )  
                  ) ss.  
County of Marion )

I, Agnes Cooke, being first duly sworn, depose and say that I am the owner of the following described land:

Beginning at an iron pipe in the Southeast corner of the Dr. James Sheil Donation Land Claim No. 86, thence West along the South line of said Donation Land Claim 25.272 chains to an iron pipe in the center of the County road, thence North 9 degrees 4 minutes East along the center line of said County road 12.52 chains to an iron pipe, thence East 28.428 chains to a stake in the Easterly line of said Donation Land Claim, thence South 22 degrees 38 minutes West along said Easterly line 13.395 chains to the point of beginning, containing 33.20 acres, more or less.

Also, beginning at an iron rod in the Northeast corner of the Dr. James Sheil Donation Land Claim, No. 86, thence South 22 degrees 38 minutes West along the Easterly boundary of said Claim, 10.312 chains to an oak stake, thence West 28.428 chains to an iron pipe in the center line of the County road, thence North 9 degrees 4 minutes East, along the center line of said County road 9.757 chains to an iron pipe in the North boundary of said Donation Land Claim, thence South 89 degrees 49 minutes East along said North boundary and in the center of the County road 30.888 chains to the point of beginning, containing 28.35 acres, more or less.

and the water right appurtenant thereto, which is for the appropriation of water from Case well for the irrigation of:

6.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$

and the supplemental irrigation of:

1.2 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
19.4 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
6.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
1.6 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$

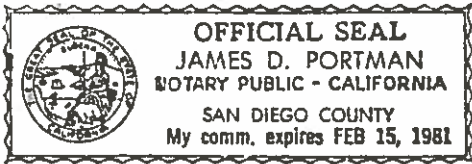
Section 21  
Township 4 South, Range 2 West, W. M.

under a priority date of March 5, 1964, as evidenced by the certificate recorded at Page 35495, Volume 27, State Record of Water Right Certificates; that I have abandoned any and all interest in and to said right and request the same be canceled.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st. day  
of February, 1978.

X Mrs Agnes Cooke

Subscribed and sworn to before me this 1st. day of February, 1978.



James D. Portman  
Notary Public for ~~Oregon~~ California  
State of California

My Commission expires Feb. 15, 1981

TO 447 C  
(Individual)



STATE OF CALIFORNIA }  
COUNTY OF San Diego } SS.

On February 1, 1978 before me, the undersigned, a Notary Public in and for said  
State, personally appeared Agnes Cooke

\_\_\_\_\_ known to me

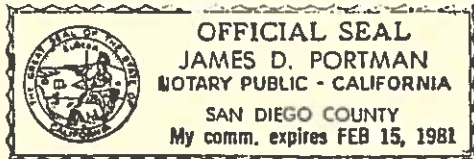
to be the person - whose name is subscribed  
to the within instrument and acknowledged that she  
executed the same.

WITNESS my hand and official seal.

Signature James D. Portman

James D. Portman

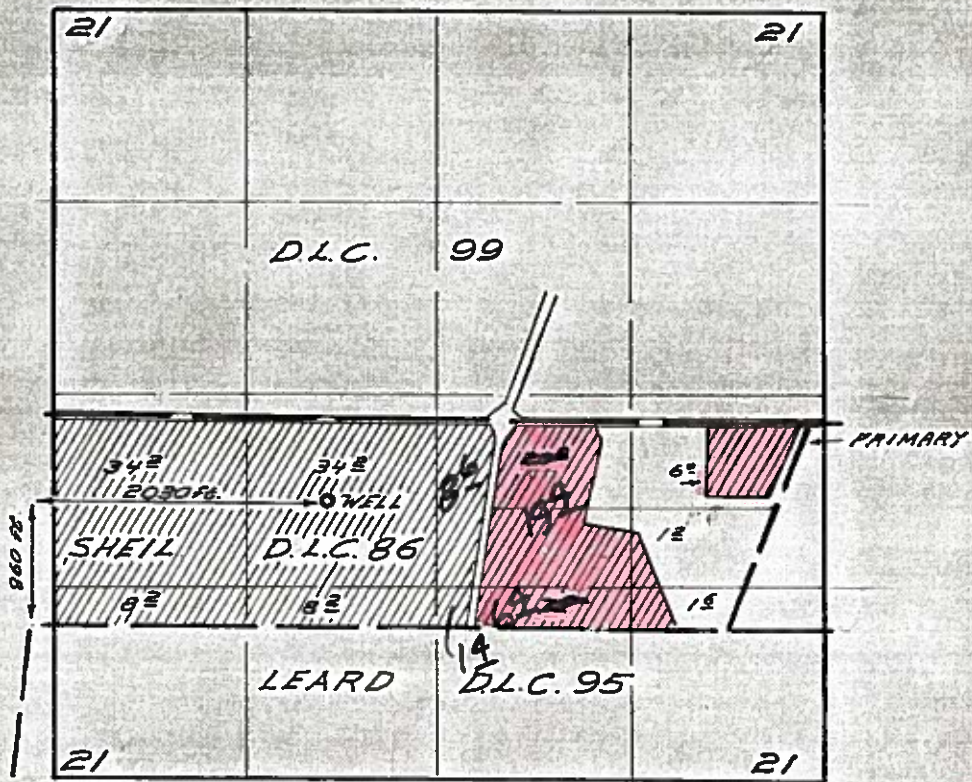
Name (Typed or Printed)



(This area for official notarial seal)

SMALLER HERE

T.4S. R.2W. W.M



948 remaining

land described in part by cert 35495

**FINAL PROOF SURVEY**  
UNDER

Application No. G-2791 Permit No. G-2601  
IN NAME OF

RALPH A. CASE

Surveyed 4-11 1957, by W. J. Ruppert  
5-14-2

378-3066

June 26, 1978

Agnes Cooke  
c/o Arthur McKay  
McKay Acres, Inc.  
Route 1, Box 387  
Woodburn, Oregon 97071

RE: File No. G-2791

Dear Ms. Cooke:

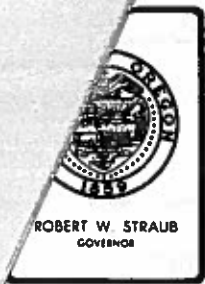
Enclosed is a copy of the Water Resources Director's order entered June 15, 1978, canceling a part of the water right evidenced by the certificate recorded at Page 35495, Volume 27, State Record of Water Right Certificates, as authorized by your affidavit submitted on February 23, 1978.

Our records have been changed and the part of the water right evidenced by the certificate recorded at Page 35495 will be of no force or effect.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO:s1k  
Enclosure



## *Water Resources Department*

### MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

55663, G-8019

10 October 1977

Arthur McKay  
McKay Acres, Inc.  
Route 1, Box 387  
Woodburn, Oregon 97071

Dear Mr. McKay:

We have received your maps, fees of \$78.00 and two applications. The first is for a permit to use 0.75 cubic foot of water per second from a well for primary irrigation of 59.4 acres. For reference, this application is No. G-8019.

The second application is for a permit to use 0.75 cubic foot of water from Champoeg Creek and McKay Reservoir constructed under permit No. R-5064, for supplemental irrigation of the same 59.4 acres. For reference, this application is No. 55663.

Permits can be issued for your proposed sources and use of water. However, conflicts with existing rights of record must first be resolved.

Groundwater Registration certificate No. 1165 was issued to Ralph Case in evidence of his claim to the use of 290 gallons of water per minute from a well located 2650 feet East and 1700 feet North from the Southwest corner of Section 21, being located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 21, Township 4 South, Range 2 West, for the irrigation of a total of 136 acres. A portion of the 136 acres lies to the East of Market Road No. 14, whereas the well lies West of Market Road No. 14. I am enclosing a copy of a map which shows the location of that part of the claim to use of groundwater in conflict with your present applications.

Certificate No. 35495 was also issued to Ralph Case in evidence of the water right perfected under permit No. 26201. This certificate is evidence of the right to the use of not to exceed 1.11 cubic feet per second from a well located 860 feet North and 2030 feet East from the Northwest corner of Leard D.L.C. No. 95, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 4 South, Range 2 West, for the primary irrigation of 6 acres and supplemental irrigation of 123.4 acres (same land as GR -1165).

Again, a portion of this land lies East of Market Road No. 14, whereas the well again lies West of Market Road No. 14. That part of the right lying East of Market Road No. 14 is in conflict with your present applications.

I am enclosing a copy of the final proof survey map regarding permit No. G-2601, which shows the extent of acreage and location which is in conflict with your present applications.

If the right to use of water from these two wells is still valid, your application No. G-8019 must be amended to show supplemental irrigation of the land already having an existing water right. A supplemental water right is intended to be used only to make up the deficiency in the available supply of an existing water right.

The remainder of the land can then be irrigated under a primary water right as described by your application No. G-8019.

The right to use of water from the two wells West of Market Road No. 14 would be valid as long as water has been continually in use and there has been no five year period of non-use. The right to use of water from the wells West of Market Road No. 14 would not be valid if intentionally abandoned or if there has been five successive years of non-use.

If the right to use of water as described by Groundwater Registration certificate No. GR-1165 and certificate No. 35495, for that portion of the rights lying East of Market Road No. 14, has been abandoned or is to be abandoned, it will be necessary that our records be cleared of that portion of the two rights in conflict with your present applications. If the rights are to be abandoned, in part, please provide this office with the name or names of the legal owner of the land and the necessary affidavits will be prepared for their signature.

In either case, I am returning applications No. G-8019 and 55663 to be amended or resubmitted with the proper affidavits of abandonment. Your applications No. G-8019 and 55663 are endorsed so that in order to retain their dates of priority, they should be received in this office on or before December 12, 1977.

Sincerely,

Vestal R. Garner  
Water Rights Engineer

VRG:lcj