

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF )  
THE CANCELATION )  
OF A WATER RIGHT )  
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O R D E R

On September 14, 1970, Mike Kenagy submitted an affidavit that he is the owner of a water right and the lands to which the right is appurtenant; that he has abandoned any and all interest in and to the said water right and request the same to be canceled.

The water right in question is part of that evidenced by the certificate recorded at Volume 14, Page 17035, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.02 cubic foot per second of water from Rock Creek, with a priority date of December 7, 1942, for irrigation of 1.5 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, Township 4 South, Range 1 East, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.36 cubic foot per second of water from Rock Creek, with a priority date of December 7, 1942, for irrigation of 0.6 acre in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.4 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 9.8 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 16.7 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, Township 4 South, Range 1 East, W.M., is not in question.

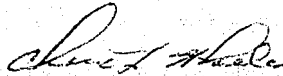
ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancellation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the water right for the use of 0.02 cubic foot per second of water from Rock Creek, with a date of priority of December 7, 1942, for irrigation of 1.5 acres in the

NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, Township 4 South, Range 1 East, W.M., is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Volume 14, Page 17035, is canceled and in lieu thereof a new certificate be issued to Mike Kenagy covering that part of the water right not in question which is for the appropriation of not to exceed 0.36 cubic foot per second of water from Rock Creek, with a priority date of December 7, 1942, for irrigation of 0.6 acre in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.4 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 9.8 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 16.7 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, Township 4 South, Range 1 East, W.M.

Dated at Salem, Oregon, this 30th day of October, 1970.

  
CHRIS L. WHEELER  
State Engineer +