

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE PARTIAL )  
CANCELATION OF A WATER RIGHT )  
IN THE NAME OF M.B. AND )  
MARTHA E. FINDLEY )  
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ORDER

On July 27, 1971, M.B. and Martha E. Findley submitted an affidavit that they are the owners and contract sellers of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

On July 27, 1971, Calvin and Lucille Kennedy submitted an affidavit that they are the contract purchasers of the lands to which the water right is appurtenant; 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 part of that evidenced by certificate recorded at Page 11907, Volume 11, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.13 cubic foot per second of water from Rickreall Creek, with a priority date of May 11, 1935, for the irrigation of 0.2 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 7 South, Range 4 West, W.M.

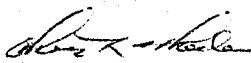
That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.25 cubic foot per second of water from Rickreall Creek, for the irrigation of 8.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 6.1 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 5.8 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 7 South, Range 4 West, W.M., is not in question in this proceeding.

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 hereby is ORDERED that the water right for the use of 0.13 cubic foot per second of water from Rickreall Creek, with a priority date of May 11, 1935, for the irrigation of 0.2 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.6 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 3.3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 7 South, Range 4 West, W.M., is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Page 11907, Volume 11, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued to Calvin and Lucille Kennedy covering that part of the water right not in question for the appropriation of not to exceed 0.25 cubic foot of water per second from Rickreall Creek, with a priority date of May 11, 1935, for the irrigation of 8.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 6.1 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 5.8 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 7 South, Range 4 West, W.M.

Dated at Salem, Oregon, this 30th day of June, 1975.

  
CHRIS L. WHEELER  
State Engineer