

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
WASHINGTON COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF KAUER BROTHERS)

O R D E R

The Water Resources Department (Department) received an affidavit from the owners of lands stating that they have abandoned the water right appurtenant to their land and requesting the cancellation of the certificate. Whenever the owner of a perfected and developed water right abandons the right, an order canceling the right shall be entered. The Water Resources Director has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

The Department received an affidavit from Darrell H. and Patricia A. Schroeder. The affidavit states they are the owners of lands and the water right appurtenant as evidenced by a portion of Certificate 23579, State Record of Water Right Certificates. The affidavit further states that the right appurtenant to their property has been abandoned and requests that the certificate be canceled.

Certificate 23579 allows for the use of an unnamed creek, a tributary of the McKay Creek, for irrigation of 30.0 acres in Section 17, Township 1 North, Range 2 West, W.M.

The portion of Certificate 23579 which has been abandoned is for the use of 0.16 cfs of water from an unnamed creek, a tributary of McKay Creek, under a priority date of January 28, 1952, for irrigation of 0.7 acres within Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), 0.55 acres within Lot 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$), and 11.7 acres within Lot 2 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), all being within Section 17, Township 1 North, Range 2 West, W.M.

CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right (ORS 540.621).

ORDER

IT IS ORDERED that the right described by Certificate 23579, State Record of Water Right Certificates, allowing for the use of 0.16 cubic foot per second (cfs) of water from an unnamed creek, a tributary of McKay Creek, for irrigation of 0.7 acres within Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), 0.55 acres within Lot 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$), and 11.7 acres within Lot 2 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), all being within Section 17, Township 1 North, Range 2 West, W.M. is canceled and a new certificate of water right describing that portion of the water right not canceled by the provisions of this order be issued.

Dated March 22, 1999


Martha O. Pagel, Director