

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Cancellation of a Portion of)
 Perfected and Developed Water Right Certificate)
 56004, in the name of Richard L. Offenbacher,)
 Jackson County)

FINAL ORDER

Authority

ORS 540.621 directs the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

Findings of Fact

1. On August 27, 2012, the Department received an affidavit from Michael and Karen S. Hart, 2090 East Lakeshore Drive, Agoura, CA 91301, stating they are the owners of land and the water right appurtenant as evidenced by Certificate 56004. The affidavit requests a portion of the certificate be cancelled.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Michael and Karen S. Hart are the recorded owners, as established by county deed records, of a portion of the water right evidenced by Certificate 56004.
3. Certificate 56004 allows for the use of not more than 0.03 cubic foot per second (cfs) from the Applegate River for irrigation of 2.3 acres and 4.0 acre-feet of stored water from Applegate Lake Reservoir for supplemental irrigation of 0.7 acre. The date of priority is August 14, 1981.
4. The portion of Certificate 56004 which has been abandoned is for the use of 0.01 cfs and 0.80 acre identified in the table below:

Twp	Rng	Mer	Sec	DLC	Q-Q	Acres
38 S	4 W	WM	25	37	NW NE	0.80


Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 56004 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

1. Certificate 56004 is canceled.
2. The Department shall issue a new a superseding certificate to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated at Salem, Oregon this 24th day of July, 2013.



E. Timothy Wallin, Water Right Program Manager for
PHILLIP C. WARD, DIRECTOR

Mailing date: JUL 24 2013