

**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) **FINAL ORDER**
 981, in the names of Frankie Painter and Albert)
 Taylor, Deschutes County)

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 December 13, 2012, the Department received an affidavit from Francis Duane Lee and Marian M. Lee, 15665 Trapper Point Rd., Sisters, OR 97759, stating they are the owners of land and the water right appurtenant as evidenced by Certificate 981. The affidavit requests a portion of the certificate be cancelled.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Francis Duane Lee and Marian M. Lee are the recorded owners, as established by county deed records, of a portion of the water right evidenced by Certificate 981.
3. Certificate 981 allows for the use of not more than 0.93 cubic foot per second, or its equivalent in case of rotation from Squaw Creek (Whychus Creek) for irrigation of 46.5 acres of land. The date of priority is 1908.
4. The portion of Certificate 981 which has been abandoned is for the use of 0.016 cfs and 0.78 acre identified in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	4	NW NW	0.78

Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 981 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

1. Certificate 981 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 9th day of August, 2013.

E. Timothy Wallin

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

Mailing date: AUG 09 2013