

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF CANCELLATION OF A PORTION)
OF A WATER RIGHT IN THE NAMES OF RACHAEL AND)
FRANK W. MCCAFFERY AND ROBERT SMITH) O R D E R

The Water Resources Department (Department) received an affidavit from the owner 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 Dennis R. and Virginia L. Staines. The affidavit states they are the owners of lands and the water right appurtenant as evidenced by a portion of Certificate 51184, 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 51184 allows for the use of Squaw Creek, tributary of the Deschutes River, for irrigation of 14.0 acres and domestic use in Section 4, Township 15 South, Range 10 East, W.M.

The portion of Certificate 51184 which has been abandoned is for the use of 0.006 cfs of water from Squaw Creek, a tributary of the Deschutes River, under a priority date of 1885, for irrigation of 0.314 acres within the SW¼ SW¼ of Section 4, Township 15 South, Range 10 East, 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 51184, State Record of Water Right Certificates, allowing for the use of 0.006 cubic foot per second (cfs) of water from Squaw Creek, a tributary of the Deschutes River, under a priority date of 1885, for irrigation of 0.314 acres within the SW¼ SW¼ of Section 4, Township 15 South, Range 10 East, 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 12/2/98.



Martha O. Pagel, Director