

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A WATER RIGHT IN THE) ORDER
NAME OF WALBURGA LACHNER)

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 J. A. Magnuson. The affidavit states they are the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 4293, 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 4293 allows for the use of the Powder River and Springs, tributaries of the Snake River for irrigation of 101.5 acres within Section 16, Township 9 South, Range 40 East, Section 34, Township 8 South, Range 40 East, and Section 34, Township 7 South, Range 40 East, Willamette Meridian, with dates of priority of 1887 and 1902.

The portion of Certificate 4293 which has been abandoned is for the use of 0.006 cubic foot per second (cfs) of water from Powder River, a tributary of the Snake River, under a priority date of 1887, for irrigation of 0.23 acre within the SW¼ NE¼ of Section 16, Township 9 South, Range 40 East, W.M.

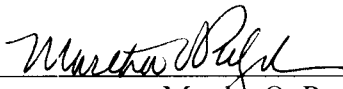
CONCLUSIONS OF LAW

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 4293, State Record of Water Right Certificates, allowing for the use of 0.006 cfs of water from Powder River, a tributary of the Snake River, under a priority date of 1887, for irrigation of 0.23 acre within the SW¼ NE¼ of Section 16, Township 9 South, Range 40 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

D4293.GLB

Special Order Volume 52, Page 1057.