

## MORROW COUNTY

IN THE MATTER OF CANCELLATION OF A )  
 PORTION OF A PERFECTED AND ) FINAL ORDER IN OTHER  
 DEVELOPED WATER RIGHT IN THE NAME ) THAN A CONTESTED CASE  
 OF EASTERN OREGON FARMING COMPANY )

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 Potlatch Corporation, stating they are the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 46345, State Record of Water Right Certificates. The affidavit further states that a portion of right appurtenant to the property has been voluntary forfeited and requests that portion of the certificate be canceled.

The portion of Certificate of water right voluntary forfeited is described as follows:

NW 1/4 SW 1/4	4.2 ACRES
SECTION 15	
NE 1/4 NW 1/4	5.3 ACRES
NW 1/4 NW 1/4	2.2 ACRES
SW 1/4 NW 1/4	1.1 ACRES
SE 1/4 NW 1/4	0.3 ACRE
NE 1/4 SW 1/4	3.9 ACRES
NW 1/4 SW 1/4	2.3 ACRES
SW 1/4 SW 1/4	1.1 ACRES
SE 1/4 SW 1/4	0.3 ACRE
SECTION 21	
NE 1/4 SE 1/4	2.8 ACRES
SE 1/4 SE 1/4	1.7 ACRES
SECTION 27	
SW 1/4 NE 1/4	9.3 ACRES
SE 1/4 NW 1/4	8.9 ACRES
SECTION 35	
TOWNSHIP 4 NORTH, RANGE 26 EAST, W.M.	

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

CONCLUSIONS OF LAW

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.

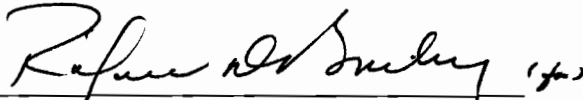
Oregon Administrative Rule 690-017-0100 authorizes the Director of the Water Resources Department to issue an order, under authority delegated to him by the Commission, canceling a perfected and developed water right in accordance with the provisions of ORS 540.621 when so requested by notarized affidavit of the record owner of land to which a water right is appurtenant.

The Director of the Water Resources Department concludes the entire right evidenced by a portion of Water Right Certificate 46345 has been abandoned in accordance with the provisions of ORS 540.621 and that portion of the right shall be canceled.

ORDER

IT IS ORDERED that the portion of the water right described by Certificate 46345 for the irrigation of 43.4 acres, described above within Sections 15, 21, 27 and 35, Township 4 North, Range 26 East, W.M., with a date of priority of June 29, 1973, is canceled.

Dated 4/2-2002.

  
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Paul R. Cleary  
Director