

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

In the Matter of Partial Cancellations of Water)
Right Certificates 65567 and 53172, Polk County) **FINAL ORDER**

Authority

ORS 540.621 directs the Commission to enter an order cancelling a water right whenever the owner of a perfected and developed water right certifies that the water right has been abandoned by the owner and the owner desires to cancel the right or portion thereof.

Findings of Fact

1. On October 16, 2014, the Department received affidavits from Larry and Judy Gross, 8105 Red Prairie Rd., Sheridan, OR 97378 stating they are the legal owners of land and the appurtenant water right evidenced by Certificates 65567 and 53172.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined the State of Oregon is the recorded owner, as established by county deed records, of the water rights evidenced by Certificates 65567 and 53172.
3. Certificate 65567 allows for the use of not more than 0.10 cubic foot per second (cfs) from an unnamed drainage way for irrigation of 8 acres and stored water from Mohney Reservoir for the supplemental irrigation of 28.5 acres. The date of priority is May 15, 1985.
4. The first affidavit requests cancellation of 2.2 acres of primary irrigation and 10.9 acres of supplemental irrigation from Certificate 65567 at the location identified in the tables below:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	6 W	WM	15	SW SW	1.5
6 S	6 W	WM	15	SE SW	0.7
Total:					2.2

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	6 W	WM	15	NE SW	1.9
6 S	6 W	WM	15	NW SW	4.5
6 S	6 W	WM	15	SW SW	3.2
6 S	6 W	WM	15	SE SW	1.3
Total:					10.9

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 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. Certificate 53172 allows for the use of not more than 0.36 cfs from an unnamed drainage way and Mohny Reservoir for irrigation of 28.7 acres. The date of priority is August 25, 1975.
6. The second affidavit requests cancellation of 10.9 acres of irrigation at the location identified in the table below:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	6 W	WM	15	NE SW	1.9
6 S	6 W	WM	15	NW SW	4.5
6 S	6 W	WM	15	SW SW	3.2
6 S	6 W	WM	15	SE SW	1.3
Total:					10.9

Conclusions of Law

The Director of the Water Resources Department concludes the portion of the right evidenced by Certificates 65567 and 53172 have been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Certificates 65567 and 53172 are cancelled.
2. The Department shall issue new and superseding certificates to describe the remaining portion of the water rights NOT cancelled by the provisions of this order.

Dated at Salem, Oregon this 7 of January, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director

Mailing date: JAN 27 2015