

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A WATER RIGHT IN THE NAME) ORDER
OF PRUDENTIAL LOAN COMPANY)

The Water Resources Department (Department) received an affidavit from the owner of lands stating that they have abandoned a portion of the water right appurtenant to their land and request 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

On October 23, 1997, the Department received an affidavit from C. David and Jean M. Kline. The affidavit states they are the owner of land and the water right as evidenced by a portion of Certificate 57540, State Record of Water Right Certificates. The affidavit further states that a portion of the right appurtenant to their property within Section 11, Township 13 South, Range 33 East, WM, has been abandoned and requests that portion of the certificate be canceled.

Certificate 57540 allows for the use of water from Strawberry Creek, a tributary of the John Day River, for irrigation, domestic, and stock with a date of priority of 1870. The abandoned water right, a portion of Certificate 57540, is the right to use water from Strawberry for irrigation of 1.17 acres within the NW¼ SE¼ and 1.04 acres within the SW¼ SE¼ of Section 11, Township 13 South, Range 33 East, WM.

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 57540 allowing for the use of water from Strawberry Creek, a tributary of the John Day River, with a priority date of 1870, for the irrigation of 1.17 acres within the NW¼ SE¼ and 1.04 acres within the SW¼ SE¼ of Section 11, Township 13 South, Range 33 East, WM., State Record of Water Right Certificates 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 2/18/98.



Martha O. Pagel, Director