

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF CANCELLATION OF A )  
PORTION OF A WATER RIGHT IN THE NAME )  
OF PRAIRIE WATER SERVING CORPORATION )

O R D E R

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 2, 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 53701, 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 53701 allows for the use of 7.97 cubic feet per second of water from the John Day River, a tributary of the Columbia River, the irrigation of 90.5 acres and the supplemental irrigation of 228.25 acres with a date of priority of October 21, 1968. The abandoned water right, a portion of Certificate 53701, is the right to use of 0.055 cfs of water from an the John Day River for the supplemental irrigation of 1.17 acres within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.04 acres within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  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 53701 allowing for the use of 0.055 cfs of water from the John Day River, tributary of the Columbia River, with a priority date of October 21, 1968, for the the supplemental irrigation of 1.17 acres within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.04 acres within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  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