

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

JOSEPHINE COUNTY**

In the Matter of Cancellation of a Portion)
of a Perfected and Developed Water Right) **FINAL ORDER**
In the Name of David H. Marks –)
Certificate 55319)

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.

Findings of Fact

1. On November 28, 2007, the Department received an affidavit from Lawrence and Glenna Grames, 33551 E. Progress Rd., Hermiston, OR, 97838, stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 55319, State Record of Water Right Certificates. The affidavit further states a portion of the water right appurtenant to the property has been abandoned and requests the certificate be canceled.
2. Pursuant to OAR 690-017-002(a), the Department has determined Lawrence and Glenna Grames are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 55319 is appurtenant.
4. Certificate 55319 allows for the use of 2.00 cubic feet per second (cfs) if available at the original point of diversion, from the Hat Rock Drain Ditch, a tributary of the Columbia River, for irrigation of 111.00 acres. The date of priority is September 14, 1966.
5. The portion of Certificate 55319 which has been abandoned is for the use of 0.045 cfs from Hat Rock Drain Ditch, for irrigation of 2.5 acres located as follows:

IRRIGATION – CERTIFICATE 55319								
TWP	RNG	MER	SEC	Q - Q	DLC	LOT	TAX LOT	ACRES
5 N	29 E	W.M.	21	SE SE			202	2.5

This is a final order in other than 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.

Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 55319 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

1. Certificate 55319 is canceled.
2. The Department shall issue Certificate 85336, a new and superseding certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated at Salem, Oregon this 5th day of MARCH, 2009.


Phillip C. Ward, Director

Mailing Date MAR 06 2009