

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JOSEPHINE COUNTY

IN THE MATTER OF CANCELLATION OF)
PORTIONS OF PERFECTED AND DEVELOPED) FINAL O R D E R
WATER RIGHTS IN THE NAME OF GRANTS)
PASS IRRIGATION DISTRICT – CERTIFICATES)
80971 AND 80972)

Authority

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 March 3, 2008, the Department received an affidavit from Paul L. Perry, 101 Brolin Court, Rogue River, OR 97537, stating he is the owner of lands and the water right appurtenant as evidenced by Certificates 80971 and 80972, State Record of Water Right Certificates. The affidavit further states a portion of the water rights appurtenant to the property have been abandoned and requests the certificates be canceled.
2. Pursuant to OAR 690-017-002(a), the Department has determined that Paul L. Perry is the recorded owner, as established by county deed records, of property to which portions of the water rights evidenced by Certificates 80971 and 80972 are appurtenant.
3. Certificate 80971 allows for the use of up to 112.722 cubic feet per second (cfs) of water from the Rogue River and specified tributaries. The maximum allowable diversion from the Rogue River is 112.722 cfs; being 73.268 cfs under a September 29, 1916, priority date and 39.454 under an August 21, 1987, priority date. The right also allows the use of 4.53 cfs from Jones Creek, 3.78 cfs from Fruitdale Creek, 3.78 cfs from Gilbert Creek, 4.53 cfs from Sand Creek, and 2.26 cfs from Sparrowhawk Creek, with the total diversion not to exceed 112.722 cfs from all sources.
4. Certificate 80972 allows for the use of up to 36.168 cfs of water from the Rogue River and specified tributaries. The maximum allowable diversion from the Rogue River is 36.168 cfs being 23.512 cfs under the September 29, 1916 priority date and 12.656 cfs under the August 21, 1987 priority date. The right also allows the use of 1.46 cfs from Jones Creek, 1.20 cfs from

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.

Fruitdale Creek, 1.20 cfs from Gilbert Creek, 1.46 cfs from Sand Creek, and 01.72 cfs from Sparrowhawk Creek, or the equivalent in case of rotation.

5. The portions of Certificates 80971 and 80972 which have been abandoned are for the use of 0.004 cfs for irrigation of 0.19 acre described as follows:

IRRIGATION					
TWP	RNG	MER	SEC	¼ - ¼	ACRE
36 S	4 W	WM	15	SW SW	0.19

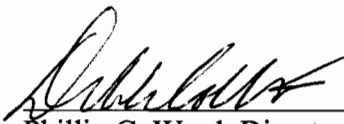
Conclusions of Law

The Director of the Water Resources Department concludes that portions of the rights evidenced by Water Right Certificates 80971 and 80972 have been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

1. The water rights appurtenant to the lands described in Finding of Fact #5 are canceled.
2. Certificates 80971 and 80972 are modified. The Department will issue superseding certificates describing the right when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 13th day of June, 2008.


Phillip C. Ward, Director

Mailing Date JUN 25 2008