

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF THE PARTIAL CANCELLATION) PC 91-11
OF WATER RIGHT CERTIFICATES 55737 IN THE)
NAME OF SNOW CREEK IRRIGATION DISTRICT) FINAL ORDER CANCELING
AND 55738 IN THE NAME OF MATTIE A. AND) WATER RIGHTS
GEORGE A. CRAWFORD FOR USE OF WATER FROM)
SNOW AND THREE CREEKS, TRIBUTARIES OF)
SQUAW RIVER, DESCHUTES COUNTY)

On January 10, 1992, pursuant to ORS 540.631, notice was given to the following persons as the owners of record of certain real property in Deschutes County, Oregon, of the proposed partial cancellation of certain water rights evidenced by the Certificates 55737 and 55738 and appurtenant to said property located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Tax Lot 500) Section 10, Township 16 South, Range 11 East, WM.:

Philip and Laura Berning
66079 W. Hwy. 20
Bend OR 97701

The portions of the water rights proposed to be canceled were:

that portion of the certificate issued to Snow Creek Irrigation District and recorded at Volume 51, page 55737, State Record of Water Right Certificates for use of water from Three and Snow Creeks and water stored under Permit R-701 in Big and Little Three Creek Lakes for supplemental irrigation of 3.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, T. 16 S., R. 11 E., WM; and

that portion of the certificate issued to Mattie A. and Geo. A. Crawford confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County and the said decree entered in the Order Record of the Water Resources Director in Volume 6, page 20 and further described at Volume 51, page 55738, State Record of Water Right Certificates for use of water from Snow and Three Creeks for primary irrigation of 3.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, T. 16 S., R. 11 E. WM.

The entirety of Certificate 55737 is for:

Primary Irrigation

12.3 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 2
T. 16 S., R. 10 E., WM
10.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
6.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 10
T. 16 S., R. 11 E., WM

Supplemental Irrigation

27.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 1
26.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
3.9 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 2
T. 16 S., R. 10 E., WM
13.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 4

Supplemental (cont.)

- ✓ 39.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
- ✓ 38.1 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
- 12.4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 9
- ✓ 2.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
- ✓ 22.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
- 9.6 13.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 10
- T. 16 S., R. 11 East, WM

under a priority of March 8, 1923 for Snow and Three Creeks and September 12, 1936 for reservoirs.

The entirety of Certificate 55738 is for storage of water from Snow and Three Creeks and the irrigation of:

- 18.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 4
- ✓ 22.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
- ✓ 12.8 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 10
- 13.1 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
- 12.4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 9

all in Township 16 South, Range 11 East, WM, under a priority of 1891.

Only that portion of Certificate 55737 for supplemental irrigation of 3.4 acres and that portion of Certificate 55738 for irrigation of 3.2 acres both in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, T. 16 S., R. 11 E. were proposed for cancellation in this proceeding. The validity of the remainder of these water rights was not in question in this proceeding.

ORS 540.641(1) provides: "If the legal owner or occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water right within the 60-day period prescribed in the notice, the Water Resources Commission may enter an order canceling the water right." The Water Resources Commission has delegated to the Hearings Referee the authority to initiate a proceeding under ORS 540.610 to 540.650 and to issue a final order if no protest is filed.

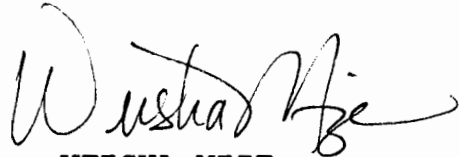
No protest has been filed against the proposed partial cancellation of the water right in question by the above-named owners of record.

NOW, THEREFORE, it is ORDERED that the portion of the water right evidenced by Certificate 55737 for supplemental irrigation of 3.4 acres and that portion of Certificate 55738 for irrigation of 3.2 acres both in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, T. 16 S., R. 11 E. be and the same are hereby canceled.

It is FURTHER ORDERED that the portion of Certificate 55737 for supplemental irrigation of 3.4 acres and that portion of Certificate 55738 for irrigation of 3.2 acres both in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, T. 16 S., R. 11 E. are canceled.

It is FURTHER ORDERED that said Certificates be canceled and that new Certificates be issued to describe the balance of the water rights not canceled by this proceeding.

DATED at Salem, Oregon this 1st day of April, 1992.



WEISHA MIZE
Hearings Referee

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this Order. Judicial review is pursuant to the provisions of ORS 536.075.