

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF CANCELLATION OF A )  
PORTION OF A PERFECTED AND ) FINAL O R D E R  
DEVELOPED WATER RIGHT IN THE NAME )  
OF ROBERT V. GILLETT )

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 FACTS

1. On November 15, 2002, the Department received an affidavit from Wayne W. and Barbara J. Huwe stating they are the owners of lands and the water right appurtenant as evidenced by Certificate 54731, 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. The affidavit mistakenly referenced Certificate 54731 which had been canceled by a previous order of the Director. The water right appurtenant to the land owned by the affiants presently is evidenced by Certificate 77745.
3. Pursuant to OAR 690-017-002(a), the Department has determined that Wayne W. and Barbara J. Huwe are the record owners, as established by county deed records, of the property to which a portion of the water right evidenced by Certificate 77745 is appurtenant.
4. Certificate 77745 allows for the use of 0.86 cubic feet per second (cfs) of water from a well, tributary to the Columbia River, for irrigation of 31.7 acres and supplemental irrigation of 36.9 acres in Section 26, Township 5 North, Range 26 East, W.M. The date of priority is August 10, 1977.
5. The portion of Certificate 77745 which has been abandoned is for the use of 0.03 cfs for supplemental irrigation of 2.50 acres located in Tax Lot 400, SW¼ NW¼, Section 26, Township 5 North, Range 26 East, W.M.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

CONCLUSIONS OF LAW

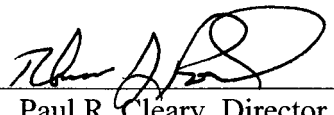
The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 77745 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

ORDER

IT IS ORDERED:

1. Certificate 77745 is canceled.
2. The Department shall issue Certificate 79854, 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 JAN 10 2003.

  
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762 Paul R. Cleary, Director