

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

KLAMATH COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF CHARLES M. OHLES)

O R D E R

The Water Resources Department (Department) received affidavits from the owners of lands stating that they have abandoned a portion of the water right appurtenant to their land and requesting 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

The Department received affidavits from Jon G. and Karen S. Underwood, Morgan and Ellen Steiner, Brian and Bonnie McCarty, Ruben E. and Ona L. Williams, Anthony L. Hall, William J. and Joan D. Youngren, Ray and Janice Kramer, Benjamin and Betty Sellers, and Paul P. and Dorothy Stafford. The affidavits state they are the owner of lands and the water right as evidenced by a portion of Certificate 27226, State Record of Water Right Certificates. The affidavits further state that the right appurtenant to their property has been abandoned and requests that portion of the certificate be canceled.

Certificate 27226 allows for the use of 1.00 cubic feet per second (cfs) of water from a well, a tributary of the Klamath River, for the irrigation of 80.0 acres within Section 1 and 12, Township 39 South, Range 8 East, WM, with a date of priority of June 21, 1948.

The portion of Certificate 27226 appurtenant to land owned by the affiants which has been abandoned is for the use of 0.12 cfs of water for the irrigation of 9.5 acres, namely 0.05 acres within the SW¼ SE¼ of Section 1, and 9.45 acres within the NW¼ NE¼ of Section 12, Township 39 South, Range 8 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 27226, State Record of Water Right Certificates, allowing for the use of 0.12 cfs of water for the irrigation of 9.5 acres, namely 0.05 acres within the SW¼ SE¼ of Section 1, and 9.45 acres within the NW¼ NE¼ of Section 12, Township 39 South, Range 8 East, WM, from a well tributary to the Klamath River, with a priority date of June 21, 1948, 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 2/19/98.


Martha O. Pagel, Director