

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF PERFECTED AND DEVELOPED) ORDER
WATER RIGHTS IN THE NAME OF SUCCESSORS)
TO SQUAW CREEK IRRIGATION COMPANY)

ORS 540.621 states that whenever the owner of a perfected and developed water right abandons a water right, the Water Resources Commission (Commission) shall enter an order canceling the right. The Water Resources Department (Department) received an affidavit from the owner of lands stating they have abandoned the water right appurtenant to their land and requesting the cancellation of the water right. The Department has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

On November 24, 2000, the Department received a notarized affidavit from Thomas J. and Rebecca L. Coffield, stating they are the owner of lands and the water rights appurtenant as evidenced by a portion of Certificates 74151 and 75878, State Record of Water Right Certificates. Deed records indicate Thomas J. and Rebecca L. Coffield are the record owner of land to which a portion of Certificates 74151 and 75878 are appurtenant. The affidavit further states that the rights appurtenant to the property have been abandoned and requests cancellation of that portion of the perfected water rights.

Certificate 74151

Certificate 74151 allows for the use of 2.88 cubic feet per second (cfs) from Squaw Creek, tributary to the Deschutes River, for domestic use and irrigation of 144.0 acres, with a date of priority of November 1904.

The portion of Certificate 74151 which has been abandoned is for the use of 0.06 cfs for domestic use and irrigation purposes on the following lands:

SE¼ NE¼ 3.0 ACRES
SECTION 33
TOWNSHIP 15 SOUTH, RANGE 11 EAST, W. M.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Certificate 75878

Certificate 75878 allows for the use of 13.62 cubic feet per second (cfs) from Squaw Creek, tributary to the Deschutes River, for domestic use and irrigation of 680.8 acres, with a date of priority of November 1904.

The portion of Certificate 75878 which has been abandoned is for the use of 0.137 cfs for domestic use and irrigation purposes on the following lands:

SE¼ NE¼ 6.84 ACRES
SECTION 33
TOWNSHIP 15 SOUTH, RANGE 11 EAST, W. M.

CONCLUSIONS OF LAW

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.

Oregon Administrative Rule 690-017-0100 authorizes the Director of the Water Resources Department to issue an order, under authority delegated to him by the Commission, canceling a perfected and developed water right in accordance with the provisions of ORS 540.621 when so requested by notarized affidavit of the record owner of land to which a water right is appurtenant.

The Director of the Water Resources Department concludes that a portion of Certificate 74151 and a portion of certificate 75878 have been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

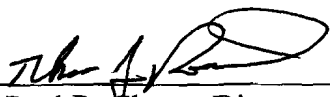
ORDER

IT IS ORDERED that the water rights described as follows are canceled:

1. That portion of **Certificate 74151** for the use of 0.06 cfs from Squaw Creek, tributary to the Deschutes River, for domestic use and irrigation of 3.0 acres located in the SE¼ NE¼, Section 33, Township 33 South, Range 11 East, W. M.; and
2. That portion of **Certificate 75878** for the use of 0.137 cfs from Squaw Creek, tributary to the Deschutes River, for domestic use and irrigation of 6.84 acres located in the SE¼ NE¼, Section 33, Township 33 South, Range 11 East, W. M.

IT IS FURTHER ORDERED that when the Director determines it is necessary, or to facilitate records keeping, new and superseding water right certificates will be issued to describe the remaining portions of Certificates 74151 and 75878 NOT canceled by the provisions of this order.

Dated January 22, 2001.



Paul R. Cleary, Director
Oregon Water Resources Department