

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
UNION COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A PERFECTED AND DEVELOPED) FINAL O R D E R
WATER RIGHT IN THE NAME OF DAVID C. &)
MARY H. NICHOLS – CERTIFICATE 47201)

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 January 19, 2006, the Department received an affidavit from Thomas & Janice Kohr, 62817 Fruitdale Lane, La Grande, Oregon, stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 47201, 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. Pursuant to OAR 690-017-002(a), the Department has determined that Thomas & Janice Kohr are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 47201 is appurtenant.
3. Certificate 47201 allows for the use of 0.68 cubic foot per second (cfs) from an unnamed ditch, spring and reservoir all tributary to Grande Ronde River; being 0.005 cfs from unnamed ditch and reservoir and 0.005 cfs from a spring for stock use, and 0.56 cfs from unnamed drainage ditch and reservoir and 0.11 cfs from a spring for irrigation of 77.70 acres. The date of priority is January 25, 1974.
4. The portion of Certificate 33055 which has been abandoned is for the use of 0.67 cfs for irrigation of 77.70 acres located as follows:

This is a final order in other than 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 either 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.

CERTIFICATE 47201 - IRRIGATION									
TWP	RNG	MER	SEC	1/4	1/4	DLC	LOT	ACRES	
2	S	38	E	WM	10	NE	SW		39.50
2	S	38	E	WM	10	NW	SW		20.00
29	S	38	E	WM	10	SE	SW		18.20
TOTAL:									77.70

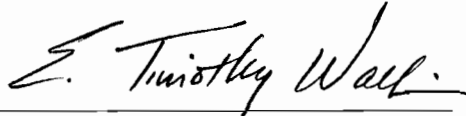
Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 47201 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

1. Certificate 47201 is canceled.
2. The Department shall issue Certificate 83444, 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 at Salem, Oregon this 30th day of JUNE, 2008.



Phillip C. Ward, Director