

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE PROPOSED PARTIAL) PC 93-9
CANCELLATION OF THE WATER RIGHT) Order Dismissing
EVIDENCED BY CERTIFICATE 52516 IN THE) Contested Case
NAME OF ANDREW O. LUN FOR USE OF WATER) Proceeding, Cancelling
FROM THE NORTH POWDER RIVER, BAKER and) Portion of Right, and
UNION COUNTIES, OREGON) Directing Issuance of New
Water Right Certificate

The proponents of cancellation in this matter, Elmer Hill and Jack Beverage, having filed affidavits withdraw their previous allegations of nonuse regarding that portion of Certificate 52516 appurtenant to 37.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 13.6 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, Township 6 South, Range 39 East, WM, and there now being no basis on which to proceed,

It is ORDERED that the contested case proceeding on the proposed cancellation of that portion of Certificate 52516 appurtenant to 37.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 13.6 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, Township 6 South, Range 39 East, WM, is hereby DISMISSED.

No protest having been made against the proposed cancellation of that portion of Certificate 52516 for irrigation, domestic and stock use on the following lands, it is FURTHER ORDERED that said portion of Certificate 52516, and that portion of the water right evidenced by Certificate 52516, be and the same is hereby CANCELLED as follows:

1870 - Union County

7.5 ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$
1.9 ac. SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 22

6.5 ac. NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 27

1884 - Baker County

5.4 ac. SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 27

An affidavit having been filed by Idaho Timber Corporation voluntarily authorizing cancellation of that portion of Certificate 52516 appurtenant to lands owned by said corporation, it is FURTHER ORDERED that that portion of Certificate 52516 for icemaking, irrigation, domestic and stock use on the following lands, and that portion of the water right evidenced by Certificate 52516, be and the same is hereby CANCELLED as follows:

1886 - Icemaking
2.5 cfs
Ice ponds, 20 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27

1870 - irrigation, stock
domestic
0.37 cfs
2.9 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$
10.8 ac. SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 22
1.1 ac. NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 27

It is FURTHER ORDERED that a new certificate be issued confirming that portion of the right evidenced by Certificate 52516 for irrigation, stock and domestic use on 66.3 acres in Section 22, 166.5 acres in Section 27 and 1.0 acre in Section 28, T6S, R39E, WM, not cancelled in this proceeding, as follows:

1870 - Union County

6.5 ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$
37.0 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$
14.1 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$
8.7 ac. SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 22

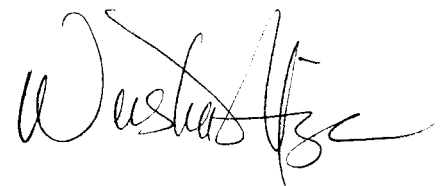
27.9 ac. NE $\frac{1}{4}$ NW $\frac{1}{4}$
33.0 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$
37.0 ac. SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 27

1.0 ac. NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 28

1884 - Baker County

31.6 ac. SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 27

Issued May 20, 1994



Weisha Mize
ALJ

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