

CLACKAMAS COUNTY

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| IN THE MATTER OF CANCELLATION OF A |) | |
| PORTION OF A PERFECTED AND |) | FINAL ORDER |
| DEVELOPED WATER RIGHT IN THE NAME |) | |
| OF I. R. HANSON |) | |

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 November 30, 2004, the Department received an affidavit from Joel and Carolyn Neuschwander, 6097 S. Whiskey Hill Rd., Hubbard, Oregon, stating they are the owners of land and the water right appurtenant as evidenced by Certificate 20401, 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. On November 30, 2004, the Department received an affidavit from Leo Gentry, 24160 SE Highway 212, Boring, Oregon, stating he is the owner of land and the water right appurtenant as evidenced by Certificate 20401, 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.
3. Pursuant to OAR 690-017-002(a), the Department has determined that Joel and Carolyn Neuschwander and Leo Gentry are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 20401 is appurtenant.
4. Certificate 20401 allows for the use of 1.07 cubic feet per second (cfs) of water; being 0.65 cfs from Bear Creek for irrigation of 51.8 acres and 0.42 cfs from an unnamed stream for irrigation of 37.2 acres, both tributary to the Pudding River. The date of priority is March 4, 1946.
5. The portion of Certificate 20401 which has been abandoned is for the use of 0.64 cfs from Bear Creek for irrigation of 50.91 acres and 0.42 cfs from an unnamed stream for irrigation of 37.2 acres, both tributary to the Pudding River, located as follows:

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| NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR RECONSIDERATION |
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| <p>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.</p> |
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| TWP | RNG | MER | SEC | 1/4 | 1/4 | DLC | LOT | ACRES | |
|-----|-----|-----|-----|------|-----|-----|-----|-------|-------|
| 4 | S | 1 | E | W.M. | 32 | SW | NE | 3 | 26.20 |
| 4 | S | 1 | E | W.M. | 32 | SE | NE | 4 | 24.71 |
| 4 | S | 1 | E | W.M. | 32 | SE | NW | 2 | 14.20 |
| 4 | S | 1 | E | W.M. | 32 | NE | SW | | 23.00 |

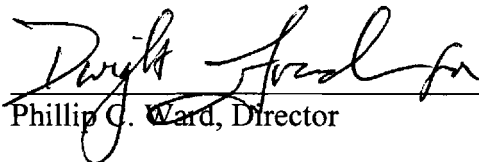
Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 20401 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

1. Certificate 20401 is canceled.
2. The Department shall issue Certificate 81136, 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 20 day of January, 2005.


Phillip C. Ward, Director