

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF RESCINDING THE )  
ORDER CANCELING THE WATER RIGHT ) O R D E R  
EVIDENCED BY CERTIFICATE 41565 )  
IN THE NAME OF PERRY WELLS )

Special Order of the Water Resources Director dated December 31, 1992, Volume 46, Page 540, canceled the water right described by Certificate 41565 issued to Perry Wells. Certificate 41565 describes the right to use not more than 0.75 cfs from the Willamette River to irrigate 60.0 acres. This order was the result of Nina Wells and Jack W. Wells, as land owners of record, submitting affidavits of abandonment of said water right.

The affidavits of abandonment came as a result of Nina Wells submitting Application G-12063 requesting a permit to use ground water for the irrigation of, among other lands, the lands described by certificate 41565. Application G-12063 stated: " This water right is no longer being used as the river diversion point has been abandoned. This certificate should be canceled."

Application G-12063 was approved October 28, 1991 by the issuance of Permit G-11373 which allowed until October 28, 1992, to begin well construction and until October 1, 1993, to complete construction of the proposed well and irrigation system. Construction was reported to be completed in a timely manner.

On September 11, 1992, Nina Wells filed application 72669 requesting a permit to use water from Detroit Reservoir as a supplemental supply to the river water right as described by certificate 41565. Application 72669 has not been completely examined to date nor have related files been referenced. Subsequent correspondence states that the proposed well was insufficient in capacity to provide the desired irrigation water therefore, the owners did not intent to cancel the water right described by certificate 41565.

It appears that the cancellation of the water right evidenced by Certificate 41565 was completed in error and therefore, said water right should be reinstated, without loss of priority date.

NOW, THEREFORE, it is hereby ORDERED that the order of cancellation of the water right described by certificate 41565 and recorded in Special Order Volume 46, Page 540, is hereby **RESCINDED**. It is FURTHER ORDERED that a new certificate be issued describing the water right heretofore evidenced by certificate 41565, without loss of priority.

WITNESS the signature of the Water Resources Director, affixed May 19, 1993.

  
\_\_\_\_\_  
Martha O. Pagel

Recorded in Special Order Volume 47, Page 222.