

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

KLAMATH COUNTY

IN THE MATTER OF CANCELLATION OF A )  
PORTION OF A WATER RIGHT IN THE ) FINAL O R D E R  
NAME OF C. L. HOLLIDAY )

The Water Resources Department (Department) received an affidavit from the owners of lands stating that they have abandoned the water right appurtenant to their land and requesting the cancellation of the certificate. Whenever the owner of a perfected and developed water right abandons the right, an order canceling the right shall be entered. The Water Resources Director has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

The Department received an affidavit from Drew Honzel, authorized agent and General Manager of the Klamath Falls Division of Columbia Forest Products, stating Columbia Forest Products is the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 3947, State Record of Water Right Certificates. The affidavit further states that the portion of the right appurtenant to the property has been abandoned and requests that portion of the certificate be canceled.

Certificate 3947 allows for the use of 2.88 cubic feet per second (cfs) of water from the Klamath River, for irrigation of 231.0 acres with a date of priority of November 29, 1919.

The portion of Certificate 3947 which has been abandoned is for the use of 0.20 cfs of water from the Klamath River, for irrigation of 15.79 acres within the SE¼ NE¼ of Section 18, Township 39 South, Range 9 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.

**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.

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.

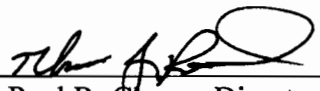
The Director of the Water Resources Department concludes that a portion of Water Right Certificate 3947 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

#### ORDER

IT IS ORDERED that the portion of the water right described by Certificate 3947 for the use of 0.20 cfs from the Klamath River, for irrigation of 15.79 acres within the SE¼ NE¼, Section 18, Township 39 South, Range 9 East, W. M., is canceled.

IT IS FURTHER ORDERED that Certificate 3947 is hereby canceled. The Department shall issue Certificate 76821, a new and superseding water right certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated **JUN 25 2001**.

  
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For Paul R. Cleary, Director  
Oregon Water Resources Department