

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

In the Matter of the Partial Cancellation of)	
the Perfected and Developed Water Right)	
Evidenced by Certificate 46)	FINAL ORDER
)	

Findings of Fact

1. Transfer Application 9830, in the name Kenneth D. and Sharlene Devereaux , requesting a change in Point of Appropriation, was approved by an order of the Water Resources Director, entered March 31, 2006, at Special Order Volume 68, Page 242.
2. The transfer was assigned to Kurt B. and Erika Hellberg.
3. The Department received an affidavit from Kurt B. and Ericka D. Hellberg stating they are the owners of the land and water right appurtenant to it, and request the portion of the water right appurtenant to their land be cancelled.
4. The water right requested to be cancelled is evidenced by a portion of Certificate 46, State Record of Water Right Certificates. The portion of the right requested to be cancelled allows the use of up to 0.108 cubic foot per second of water from the South Branch of Mud Creek, a tributary of the Walla Walla River, for irrigation of 4.32 acres and domestic use, with a priority date of 1867.
5. The place of use is as follows:

SW¼ SW¼ 4.32 ACRES
SECTION 18
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

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 137-004-0080 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.

Conclusions of Law

ORS 540.621 provides that “Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right.”

Now, therefore, it is ORDERED:

1. The portion of the water right requested to be cancelled is cancelled.
2. Certificate 46, State Record of Water Right Certificates, is cancelled.
3. A new certificate shall be issued describing the portion of the water right not cancelled as a part of this proceeding.

Issued: JUN 13 2008


Phillip C. Ward, Director