

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF CANCELLATION OF A )  
PORTION OF A PERFECTED AND ) FINAL O R D E R  
DEVELOPED WATER RIGHT IN THE NAME )  
OF THE ESTATE OF WILLIAM H. KNUTH )

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 FACTS

1. On December 16, 2003, the Department received an affidavit from Gordon Culbertson, Vice-President Resources, Swanson Group, P.O. Box 250, Glendale, Oregon, stating the Swanson Group is the owner of lands and the water right appurtenant as evidenced by Certificate 38026, 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. Pursuant to OAR 690-017-002(a), the Department has determined that the Swanson Group is the record owner, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 38026 is appurtenant.
3. Certificate 38026 allows for the use of 0.04 cubic foot per second (cfs) of water from Duffy Creek and an unnamed stream, both tributary to Beaver Creek, for irrigation of 2.4 acres and domestic use; being 0.03 cfs from Duffy Creek for irrigation of 2.4 acres and 0.01 cfs from an unnamed stream for domestic use. The date of priority is January 10, 1962.
4. The portion of Certificate 38026 which has been abandoned is for the use of 0.01 cfs from an unnamed stream tributary to Beaver Creek for domestic use.

CONCLUSIONS OF LAW

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 75492 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an 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).

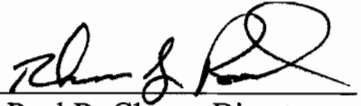
Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

ORDER

IT IS ORDERED:

1. Certificate 38026 is canceled.
2. The Department shall issue Certificate 80521, 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 DEC 29 2003.

  
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for Paul R. Cleary, Director