

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
WASHINGTON COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A WATER RIGHT CERTIFICATES)
NUMBERS 51797 AND 75273 IN THE NAME) FINAL O R D E R
OF OREGON BERRY PACKING)

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

On February 24, 2005, the Department received an affidavit from Malensky Land Company Limited Partnership, 11335 SW Hillsboro Hwy, Hillsboro, Oregon 97123 stating they are the owners of land, the water right appurtenant to the said lands and have abandoned any and all interest in the rights described as follows:

Water right Certificate Number 51797 issued to Oregon Berry Packing Company, with a date of priority of May 7, 1973, for use of water from Drainage Ditch and Reservoir 1, constructed under Permit R-6159, for irrigation of 29.0 acres erroneously described within the SE 1/4 NW 1/4 Section 31, and 10.4 acres within the Lot 7 (SW 1/4 SE 1/4), Section 31, Township 1 South, Range 2 West, of the Willamette Meridian; and

Water right Certificate Number 75273 issued to Oregon Berry Packing Company, with a date of priority of May 7, 1973, for use of water from A Well for supplemental irrigation of 29.0 acres within the SE 1/4 SW 1/4 and 10.4 acres within the Lot 7 (SW 1/4 SE 1/4), Section 31, Township 1 South, Range 2 West, of the Willamette Meridian.

Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the rights, described above, have been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.


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.

Now, therefore, it is ORDERED:

Portions of Certificates of water right described herein are canceled; and

Certificates of Water Rights be issued describing the portions of the rights not abandoned and canceled by the provisions of this order.

Dated at Salem, Oregon this 12th day of May, 2005.



Phillip C. Ward, Director