

**BEFORE THE WATER RESOURCES DIRECTOR  
OF THE  
STATE OF OREGON  
  
MALHEUR COUNTY**

In the Matter of Cancellation of a Portion        )  
of a Perfected and Developed Water Right        )  
In the Name of Jake W. Elfering –                )     **FINAL ORDER**  
Certificate 82112                                        )

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**

1. On August 4, 2006, the Department received an affidavit from Richard and Leah Gannon, 1736 2<sup>nd</sup> Avenue West, Vale, Oregon, stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 82112, 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 Richard and Leah Gannon are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 82112 is appurtenant.
3. Certificate 82112 allows for the use of 0.021 cubic foot per second (cfs) of water from a sump, tributary to Willow Creek, for irrigation of 1.7 acres. The date of priority is April 23, 1980.
4. The portion of Certificate 82112 which has been abandoned is for the use of 0.002 cfs for irrigation of 0.15 acre located as follows:

<b>IRRIGATION – CERTIFICATE 82112</b>							
<b>TWP</b>	<b>RNG</b>	<b>MER</b>	<b>SEC</b>	<b>1/4-1/4</b>	<b>DLC</b>	<b>LOT</b>	<b>ACRES</b>
18 S	45 E	W.M.	7	SW SE			0.15

This is a final order in other than 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**

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 82112 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

**Now, therefore, it is ORDERED:**

1. Certificate 82112 is canceled.
2. The Department shall issue Certificate 82761, 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 at Salem, Oregon this 10<sup>th</sup> day of October, 2006.

  
Phillip C. Ward, Director

Mailing Date OCT 17 2006