

**BEFORE THE WATER RESOURCES DIRECTOR OF OREGON**  
**BAKER 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 MILES LEE AND E. A. VAN SICKLIN )

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 5, 2004, the Department received an affidavit from Richard and Pamela Tritt, 44332 Pocahontas Rd., Baker City, Oregon, stating they are the owners of lands and the water right appurtenant as evidenced by Certificate 80458, 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 Pamela Tritt are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 80458 is appurtenant.
4. Certificate 80458 allows for the use of 10.33 cubic feet per second (cfs) of water from Pine Creek, tributary to Powder River; being 10.23 cfs for irrigation of 818.0 acres and 0.10 cfs for domestic use. The date of priority is August 22, 1910.
5. The portion of Certificate 80458 which has been abandoned is for the use of 0.12 cfs for irrigation of 9.5 acres and domestic use located as follows:

TWP	RNG	MER	SEC	1/4	1/4	DLC	LOT	ACRES	TAX LOT
8	S	39	E	W.M.	19	SE	NE	9.50	900

**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.

**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.

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

1. Certificate 80458 is canceled.
2. The Department shall issue Certificate 80953, 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 8<sup>th</sup> day of September, 2004.



*For* Phillip C. Ward, Acting Director