

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT IN)
THE NAME OF H. C. SHUMAKER, ET. ALS.) ORDER

The Water Resources Department (Department) received an affidavit from the owner of lands stating they have abandoned a portion of the water right appurtenant to their land and requests the cancellation of the certificate. Whenever the owner of a perfected and developed water right abandons the right, an order canceling the right shall be entered. The Water Resources Director has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

The Department received an affidavit from Stephen and Patricia Jaqua. The affidavit stated they are the owners of the land and the water right as evidenced by a portion of Certificate 3529. The affidavit further states, the right appurtenant to their property within, Sections 26, 27, 34 and 35 in Township 15 South, Range 12 East , WM has been abandoned and requests that portion of the certificate be canceled.

A portion of the right evidenced by State Record of Water Rights Certificate number 3529 was canceled by special order of the Water Resources Director entered in Special Order Records Volume 47, Page 154 and superseded by Certificate number 68135. Certificate 68135 allows for the use of 2.41 cubic feet per second (cfs) of water for irrigation of 185.5 acres of land within Sections 26, 27, 29, and 32 through 35, Township 15 South, Range 11 East, WM, with a date of priority of April 12, 1909.

The portion of Water Right Certificate number 68135 appurtenant to Stephen and Patricia Jaqua's land allows for the use of 0.99 cfs of water from Squaw Creek for the irrigation of 79.5 acres.


CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under an 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 (ORS 540.621).

ORDER

IT IS ORDERED that the right described by Certificate 68135 allowing for the use of 0.99 cfs of water from Squaw Creek with a priority of April 12, 1909, for the irrigation of 79.5 acres within Sections 26, 27, 34 and 35, Township 15 South, Range 11 East, WM, State Record of Water Right Certificates is canceled and a new certificate of water right describing that portion of the water right not canceled by the provisions of this order be issued.

Dated July 19, 1996.



Martha O. Pagel, Director
Special Order Volume 50, Page 350.