

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT IN) ORDER
THE NAME OF SAMUEL TORVEND AND)
S. B. TORVEND)

The Water Resources Department (Department) received an affidavit from the owners of land stating they have abandoned a portion of the water right appurtenant to their land and requests the cancellation of the certificate. Whenever the owners 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 affidavit from Joseph H. Eder, Charles N. Eder, Lillian Eder, Duane V. Eder, Debora L Eder, Raymond Eder, Patricia Eder and Albert E. And Dorothy M. Scharer. The affidavits stated they are the contract purchasers and owner, respectively, of land and the water right as evidenced by a portion of Certificate 33901. The affidavit further states, the right appurtenant to 3.9 acres within the SW 1/4 NW 1/4, Section 29, Township 6 South, Range 1 West, WM, has been abandoned and requests that portion of the certificate be canceled.

State Record of Water Rights Certificate number 33901 allows for the use of 0.304 cubic foot per second of water from the Pudding River for irrigation of 24.3 acres of land within Section 29, Township 6 South, Range 1 West, WM, with a date of priority of September 25, 1940.

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 33901 allowing for the use of water from the Pudding River, with a priority of September 25, 1940, for the irrigation of 3.9 acres within Section 29, Township 6 South, Range 1 West, 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