

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF CANCELLATION            )  
OF A PORTION OF A WATER RIGHT IN THE    )                    ORDER  
NAME OF ANTON NUSSBAUMER                )

The Water Resources Department (Department) received an affidavit from the owner of lands stating they have abandoned the water right appurtenant to the 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

On June 17, 1996, the Department received an affidavit from Hillsboro Landfill Inc. The affidavit stated they are the owners of the land and the water right as evidenced by a portion of Certificate 43873. It further states the right appurtenant to their land has been abandoned and requests the certificate be canceled.

State Record of Water Rights Certificate number 43873 allows for 1.0 cubic foot per second of water from the Tualatin River, tributary of the Willamette River for irrigation of 90.6 acres within Sections 7 and 18, Township 1 South, Range 2 West, WM, with a date of priority of March 16, 1966.

The water right appurtenant to the property not owned or abandoned, by Hillsboro Landfill Inc., is more explicitly described as that portion of Certificate 43873 allowing for the use of up to 0.023 cfs of water from the Tualatin River for the irrigation of 1.9 acres on the following described property:

Beginning at an iron at the Southeast Corner of the said George Sigler Donation Land Claim No. 42, in the center of Nunter Bridge Road (County Road No. 1174), and running thence along the center of said road, South 62 degrees 12 Minutes West, 220.00 feet to a point; thence parallel with the East line of said George Sigler Donation Land Claim, North 05 degrees 52 minutes West, 468.00 feet to a point; thence North 84 degrees 08 Minutes East, 204.08 feet to a point on the East line of said Sigler Donation Land Claim; thence along said East line, South 05 Degrees, 52 Minutes East, 385.83 feet to the point of beginning.

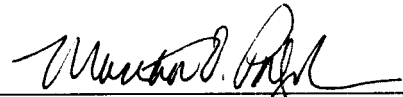
CONCLUSIONS OF LAW

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 43873 allowing for the use of 0.977 cfs water from the Tualatin River, with a priority of March 16, 1966, for the irrigation of 88.7 acres within Sections 7 and 18, Township 1 South, Range 2 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 25, 1996.

  
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Martha O. Pagel, Director