

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

BAKER COUNTY

In the Matter of Cancellation of a Portion)
of a Perfected and Developed Water Right)
Evidenced by Certificate 4364 in the Name) **FINAL ORDER**
of Frank J. Moore)

Authority

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 March 11, 2009, the Department received an affidavit from Fred and Laurie McAdams, 2500 2nd Street, Baker City, Oregon, 97814, stating they are the owners of lands and the water right appurtenant as evidenced by Certificate 4364, 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 cancelled.
2. Pursuant to OAR 690-017-0100, the Department has determined that Fred and Laurie McAdams are the recorded owners, as established by county deed records, of property to which the water right evidenced by Certificate 4364 is appurtenant.
3. Certificate 4364 allows for the use of 1/40 of one cubic foot per second (cfs) per acre from the Powder River, tributary to the Snake River; for the irrigation of 60.0 acres. The date of priority is 1906.
4. The portion of Certificate 4364 which has been abandoned is for irrigation of 6.3 acres located as follows:

IRRIGATION					
TWP	RNG	MER	SEC	Q-Q	ACRES
8 S	40 E	WM	35	SE SE	6.3

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 4364 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Certificate 4364 is cancelled.
2. The Department shall issue Certificate 85441, a new and superseding certificate, to describe the remaining portion of the perfected and developed right NOT cancelled by the provisions of this order.

Dated at Salem, Oregon this 8th day of June, 2009.

E. Timothy Ward for

Phillip C. Ward, Director

Mailing Date: JUN 08 2009