

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

In the Matter of Cancellation of a Portion of)
 Perfected and Developed Water Right Certificate) **FINAL ORDER**
 68134, in the name of T. F. McCallister, Crook)
 County)

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 24, 2012, the Department received an affidavit from Phillip and Theresa Lee, Trustees, 1265 Valley View Drive NW, Salem, Oregon, 97304, stating they are the owners of land and the water right appurtenant as evidenced by Certificate 68134. The affidavit requests a portion of the certificate be cancelled.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Phillip and Theresa Lee, Trustees of the H A W Trust, are the recorded owners, as established by county deed records, of a portion of the water right evidenced by Certificate 68134.
3. Certificate 68134 allows for the use of not more than 1.74 cubic feet per second (cfs), from Squaw Creek (now Whychus Creek), a tributary of the Deschutes River, for irrigation of 87.0 acres. The date of priority is 1901.
4. The portion of Certificate 68134 which has been abandoned is for the use of 0.60 cfs of water for irrigation of 30.0 acres located as follows:

TWP	RNG	MER	SEC	Q-Q	TAX LOT	ACRES
16 S	11 E	W.M.	5	SW SW	500	30.0

Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 68134 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.


Now, therefore, it is ORDERED:

1. Certificate 681354 is canceled.

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 137-004-0080, 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.

2. The Department shall issue Certificate 87752, a new a 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 28 day of August, 2012.



Dwight French Water Right Services Administrator for
PHILIP C. WARD, DIRECTOR

Mailing date: **AUG 31 2012**