



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE)
 CANCELLATION OF THE WATER RIGHT)
 EVIDENCED BY WATER RIGHT)
 CERTIFICATE 27072 FOR USE OF WATER)
 FROM WEST FORK ILLINOIS RIVER FOR)
 IRRIGATION OF 0.9 ACRE, JOSEPHINE)
 COUNTY, OREGON)

ORDER ON WITHDRAWAL

WRD CASE No. PC 08-11

FINDINGS OF FACT

1. The water right evidenced by Water Right Certificate 27072 is proposed to be canceled for non-use of 0.02 cubic foot per second of water from West Fork Illinois River, tributary of the Illinois River, for irrigation of 0.9 acre in the SE1/4 NW1/4, Section 26, Township 40 South, Range 9 West, W.M. The priority date is March 14, 1955.
2. On November 17, 2011, Barbara A. Nelson and Judith H. Zulliger submitted affidavits alleging nonuse of water right evidenced by Certificate 27072 from April 1994 through April 1999.
3. The entirety of Water Right Certificate 27072 is proposed to be canceled for non-use of 0.02 cubic foot per second of water from West Fork Illinois River, tributary of the Illinois River for irrigation of 0.9 acre in the SE1/4 NW1/4, Section 26, Township 40 South, Range 9 West, W.M. The priority date is March 14, 1955.
4. On December 15, 2011, the Department issued a Notice of Proposed Cancellation of Water Right.
5. The Notice of Proposed Cancellation was lawfully served on Robert M. Elting and Anna C. Cornelison, the owners of record of certain real property in Section 26, Township 40 South, Range 9 West, Willamette Meridian, Tax Lot 900, in Josephine County, Oregon.
6. Robert M. Elting and Anna C. Cornelison did not contest the Notice of Proposed Cancellation, nor did they request a hearing.
7. On February 23, 2012, the Department issued a Final Order cancelling the water right evidenced by Certificate 27072 in its entirety, being 0.02 cubic foot per second of water from West Fork Illinois River, tributary of the Illinois River for irrigation of 0.9 acre in

- ORDER ON WITHDRAWAL

the SE1/4 NW1/4, Section 26, Township 40 South, Range 9 West, W.M. The priority date is March 14, 1955.

8. On March 19, 2012, Robert Elting and Anna Cornelison through their attorney, Robert A. Graham, Jr., timely filed a Request for Reconsideration asserting that they did not receive the Notice of Proposed Cancellation sent certified and first class mail to 1595 Lone Mountain Road, O'Brien, Oregon 97534.

CONCLUSION OF LAW

The Department may withdraw the Final Order cancelling the water right evidenced by Certificate 27072 for purposes of reconsideration.

ORDER

Therefore, it is hereby ORDERED that the Final Order dated February 23, 2012, cancelling the water right evidenced by Certificate 27072 is WITHDRAWN so that OWRD may reissue the Notice of Proposed Cancellation evidenced by Water Right Certificate 27072.

DATED this 20 day of April, 2012



Barry F. Norris, Administrator
Water Resources Department

ORDER ON WITHDRAWAL