

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF DONALD DeMOSS)

O R D E R

The Water Resources Department (Department) received an affidavit from the owner of lands stating that they have abandoned a portion of the water right appurtenant to their land and requesting 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

The Department received an affidavit from Rick L. and Helen Jan Rock. The affidavit states they are the owner of lands and the water right as evidenced by a portion of Certificate 31282, State Record of Water Right Certificates. The affidavit further states that the portion of the right appurtenant to their property has been abandoned and requests that portion of the certificate be canceled.

Certificate 31282 allows for the use of 0.44 cubic feet per second (cfs) of water from a well, a tributary of Cold Springs Drain Ditch, for irrigation of 35.2 acres with a date of priority of October 28, 1958.

The portion of Certificate 31282 which has been abandoned is for the use of 0.04 cfs of water from a well, a tributary of Cold Springs Drain Ditch, for the irrigation of 3.28 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 5 North, Range 29 East, WM.

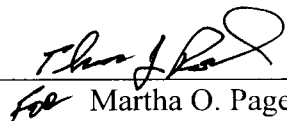
CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under 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 31282, State Record of Water Right Certificates, allowing for the use of 0.04 cfs of water from a well, a tributary of Cold Springs Drain Ditch, for the irrigation of 3.28 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 5 North, Range 29 East, WM. with a date of priority of October 28, 1958, 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 April 15, 1998.



for Martha O. Pagel, Director

Special Order Volume 52, Page 426.