

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

**WASCO COUNTY**

In the Matter of Cancellation of a Portion        )  
of a Perfected and Developed Water Right        )  
In the Name of Frank E. Magill –                 )        **FINAL ORDER**  
Certificate 7372                                                )

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 October 26, 2006, the Department received an affidavit from Jonnie and Fred Justesen, 59720 Twin Lakes Road, Grass Valley, Oregon, stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 7372, 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 canceled.
2. Pursuant to OAR 690-017-002(a), the Department has determined that Jonnie and Fred Justesen are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 7372 is appurtenant.
3. Certificate 7372 allows for the use of 0.13 cubic foot per second (cfs) from Three Mile Creek, tributary to White River, for irrigation of 10.0 acres. The date of priority is July 1, 1927.
4. The portion of Certificate 7372 which has been abandoned is for the use of 0.02 cfs from Three Mile Creek for irrigation of 1.7 acres located as follows:

<b>IRRIGATION – CERTIFICATE 7372</b>								
<b>USE</b>	<b>TWP</b>	<b>RNG</b>	<b>MER</b>	<b>SEC</b>	<b>1/4-1/4</b>	<b>DLC</b>	<b>LOT</b>	<b>ACRES</b>
IR	4 S	12 E	W.M.	14	NW NE			1.7

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 7372 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

**Now, therefore, it is ORDERED:**

1. Certificate 7372 is canceled.
2. The Department shall issue Certificate 82832, a new and 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 3<sup>rd</sup> day of November, 2006.

  
Phillip C. Ward, Director

Mailing Date NOV 15 2006