

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
UNION COUNTY

In the Matter of Cancellation of a Portion of a)
 Perfected and Developed Water Right in the) FINAL O R D E R
 Name of Jaquetta L. Zurbrick - Certificate 80622)

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 26, 2004, the Department received an affidavit from Jaquetta and Jeffery Zurbrick, 63521 Halley Rd., La Grande, Oregon, stating they are the owners of land and the water right appurtenant as evidenced by Certificate 80622, 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 Jaquetta and Jeffery Zurbrick are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 80622 is appurtenant.
3. Certificate 80622 allows for the use of three acre-feet per acre in any irrigation season at a rate not to exceed one-fortieth of a cubic foot per second per acre for irrigation of 90.2 acres. The date of priority is 1872.
4. The portion of Certificate 80622 which has been abandoned is for the use of water from the Grande Ronde River, tributary to the Snake River, for irrigation of 46.85 acres located as follows:

TWP	RNG	MER	SEC	1/4 - 1/4	DLC	LOT	ACRES
2 S	38 E	W.M.	22	NE SE			7.75
2 S	38 E	W.M.	22	NW SE			39.10

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

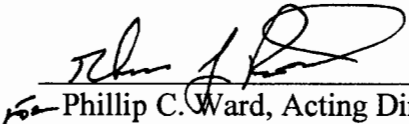
Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 80622 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, it is therefore ORDERED:

1. Certificate 80622 is canceled.
2. The Department shall issue Certificate 80957, 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 27th day of September, 2004.



Phillip C. Ward, Acting Director