

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

In the Matter of Cancellation and Diminishment     )  
of a Portion of Perfected and Developed Water     )     FINAL ORDER  
Right Certificate 38474, in the name of Charles J.     )  
and Esther E. Swift, Morrow 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 May 10, 2012, The Department received affidavits from the landowners listed in Table 1 stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 38474, State Record of Water Right Certificates. The affidavits further state a portion of the water right appurtenant to their property has been abandoned and request the certificate be canceled.
2. On May 10, 2012, The Department received an affidavit from the landowners listed in Table 2 stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 38474, State Record of Water Right Certificates. The affidavit further requests the Department diminish a portion of the water right appurtenant to their property from irrigation to supplemental irrigation purposes.
3. Pursuant to OAR 690-017-0100(2)(a), the Department has determined the landowners listed in Tables 1 and 2, are the recorded owners, as established by county deed records, of a portion of the water right evidenced by Certificate 38474.
4. Certificate 38474 allows for the use of not more than 0.22 cubic foot per second (cfs), from a well, a tributary of the Columbia River, for irrigation of 17.8 acres. The date of priority is December 5, 1968.
5. The portion of Certificate 38474 which has been abandoned is for the use of 0.056 cfs of water for irrigation of 4.52 acres located as described in Table 1.
6. The portion of Certificate 38474 requested to be diminished from irrigation to supplemental irrigation purposes is for the use of 0.016 cfs of water for 1.3 acres located as described in Table 2.

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.

TABLE 1. - REQUESTED CANCELLATIONS							
AFFIANTS	ADDRESS	TWP	RNG	SEC	Q - Q	TAX LOT	ACRES
Douglas & Jean Wilson	182 NW Washington Ave., Irrigon, OR 97844	5 N	26 E	24	NW SE	0200	1.00
Gerald & Marsha Breazeale	180 NW Washington Ave., Irrigon, OR 97844	5 N	26 E	24	NW SE	0201	1.00
Timothy & Dawn Mills	198 NW Washington Ave., Irrigon, OR 97844	5 N	26 E	24	NW SE	0203	1.00
Raymond & Renee Couchman	190 NW Washington Ave., Irrigon, OR 97844	5 N	26 E	24	NW SE	0209	1.00
Scott Davis	170 NW Oregon Ave., Irrigon, OR 97844	5 N	26 E	24	NW SE	2800	0.25
Lena Ford	190 NW Oregon Ave., Irrigon, OR 97844	5 N	26 E	24	NW SE	2900	0.27
TOTAL:							4.52

TABLE 2. - REQUESTED DIMINISHMENT							
AFFIANTS	ADDRESS	TWP	RNG	SEC	Q - Q	TAX LOT	ACRES
Jeffery & Gretchen Pedersen	2402 Benedict Rd., Colfax, WA 99111	5 N	26 E	24	NW SE	0207	1.30

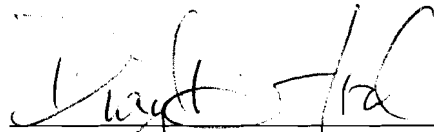
**Conclusions of Law**

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 38474 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

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

1. Certificate 38474 is canceled.
2. The Department shall issue Certificate 87797, 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.
3. The new superseding certificate also shall describe the portion of the perfected and developed water right diminished from irrigation to supplemental irrigation purposes.

Dated at Salem, Oregon this 30 day of November, 2012.



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

Mailing date: NOV 30 2012