

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
MORROW AND UMATILLA COUNTIES

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A PERFECTED AND)
DEVELOPED WATER RIGHT IN THE NAME) FINAL O R D E R
OF U.S. BUREAU OF RECLAMATION -)
CERTIFICATE 79926)

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 January 31, 2005, the Department received an affidavit from James and Leslie Suter, stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 79926, 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. Pursuant to OAR 690-017-0100(3), on February 1, 2005, the Department provided notice to the U. S. Bureau of Reclamation and West Extension Irrigation District of receipt of the affidavit.
3. Pursuant to OAR 690-017-0100(2)(a), the Department has determined that James and Leslie Suter are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 79926 is appurtenant.
4. Certificate 79926 allows for the use of up to 295.67 cubic feet per second (cfs) of water from the Umatilla River, tributary to the Columbia River, for irrigation of 4,121.70 acres within West Extension Irrigation District. The date of priority is March 28, 1909.
5. The portion of Certificate 79926 which has been abandoned is for the use of 1.54 cfs for irrigation of 21.40 acres described as follows:

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR RECONSIDERATION

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.

TWP		RNG		MER	SEC	¼	¼	DLC	LOT	TAX LOT	ACRES
4	N	24	E	WM	24	SW	NW			0500	20.00
4	N	24	E	WM	24	NW	SW			0500	1.40
											21.40

Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 79926 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

1. The water rights appurtenant to the lands described in Finding of Fact #4 are canceled and the Department's records shall be modified accordingly.
2. The Department shall issue a new water right certificate on a determination that it is necessary to produce a certificate describing the water right.

Dated at Salem, Oregon this 21st day of March, 2005.



Phillip C. Ward, Director