

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

In the Matter of Cancellation of a Portion	)	RECONSIDERATION OF FINAL
of a Perfected and Developed Water Right	)	ORDER
in the Name of U.S. Bureau of Reclamation	)	
– Certificate 79926	)	ORDER CANCELING A PERFECTED
	)	AND DEVELOPED WATER RIGHT

OAR Chapter137, Division 004, describes the process for reconsideration of an order in other than contested case.

**Affiant**

James and Leslie Suter  
74777 Toms Camp Road  
Boardman, OR 97818

**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 Water Right Certificate 79926. The affidavit stated a portion of the water right appurtenant to their property has been abandoned and requested the certificate be canceled.
2. Pursuant to ORS 540.621 and OAR Division 690, Chapter 017, the Director issued an order on March 21, 2005, canceling the appurtenant water right. The order is recorded in Special Order Volume 63, Page 468.
3. The period in which the Department may, on its own initiative, reconsider a final order has not yet closed.

**Conclusions of Law**

Pursuant to OAR Chapter137, Division 004, the Department may reconsider a final order it has issued.

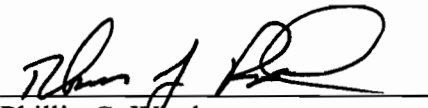
**NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR RECONSIDERATION**

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.

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

The order canceling a portion of Water Right Certificate 79926 entered at Special Order Volume 63, Page 468 is withdrawn.

Dated at Salem, Oregon this 24<sup>th</sup> day of March, 2005.

  
For Phillip C. Ward  
Acting Director

Mailing date: MARCH 24, 2005