

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A WATER RIGHT IN THE) ORDER
NAMES OF RUSSELL H. & JESSIE E. PARKER)

The Water Resources Department (Department) received an affidavit from the owners of lands stating that they have abandoned the water right appurtenant to their land and requesting the cancellation of the certificate. Whenever the owner of a perfected and developed water right abandons the right, an order canceling the right shall be entered. The Water Resources Director has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

The Department received an affidavit from Duane Drushella. The affidavit states he is the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 33579, State Record of Water Right Certificates. The affidavit further states that the portion of the right appurtenant to his property has been abandoned and requests that portion of the certificate be canceled.

Certificate 33579 allows for the use of 0.28 cubic foot per second (cfs) of water from a well, a tributary of the Willamette River, for supplemental irrigation of 22.7 acres with a date of priority of July 17, 1963.

The portion of Certificate 33579 which has been abandoned is for the use of 0.02 cfs of water from a well, a tributary of the Willamette River, for the irrigation of 1.6 acres, being 1.4 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36 (as projected within DLC 43), Township 10 South, Range 4 West, W.M and 0.2 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31(as projected within DLC 79), Township 10 South, Range 3 West, W.M.

CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right (ORS 540.621).

ORDER

IT IS ORDERED that the right described by Certificate 33579, State Record of Water Right Certificates, allowing for the use of 0.02 cfs from a well, a tributary of the Willamette River, for the irrigation of 1.6 acres, being 1.4 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36 (as projected within DLC 43), Township 10 South, Range 4 West, W.M, and 0.2 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31 (as projected within DLC 79), Township 10 South, Range 3 West, W.M. is canceled and a new certificate of water right describing that portion of the water right not canceled by the provisions of this order be issued.

Dated March 23, 1999



Martha O. Pagel, Director