

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

In the Matter of a Partial Cancellation of Water        )  
Right Certificate 81982, in the name of Donald        )        **FINAL ORDER**  
DeMoss, Umatilla County                                        )

**Authority**

ORS 540.621 directs the Commission to enter an order cancelling a water right whenever the owner of a perfected and developed water right certifies that the water right has been abandoned by the owner and the owner desires to cancel the right or portion thereof.

**Findings of Fact**

1. On April 26, 2001, the Department received an affidavit from Terry and Anita Nelson, 81318 Blue Bucket Lane, Hermiston, OR 97838, stating they are the owners of the land and the appurtenant water right evidenced by Certificate 76378.
2. Certificate 76378 has been superseded by Certificate 81982.
3. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Terry and Anita Nelson are the recorded owners, as established by county deed records, of a portion of the water right evidenced by Certificate 81982.
4. Certificate 81982 allows for the use 0.58 cubic foot per second (cfs) of the waters of a sump in the Cold Springs Wash Basin for irrigation of 46.58 acres. The date of priority is December 22, 1976.
5. The affidavit requests cancellation of 0.05 cfs from a sump for irrigation at the location identified in the table below:

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
5 N	29 E	WM	28	SW NW	1.65
5 N	29 E	WM	28	SE NW	2.35
Total:					4.00

**Conclusions of Law**

The Director of the Water Resources Department concludes the portion of the right evidenced by Certificate 81982 has been abandoned in accordance with the provisions of ORS 540.621 and should be cancelled.

This is a final 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 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:**

1. Certificate 81982 is cancelled.
2. The Department shall issue new and superseding certificates to describe the remaining portion of the water right NOT cancelled by the provisions of this order.

Dated at Salem, Oregon this 2<sup>nd</sup> day of July, 2015.

  
Dwight French, Water Right Services Administrator for  
THOMAS M. BYLER, DIRECTOR

Mailing date: JUL 06 2015