

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF CANCELLATION OF A PORTION)
OF A WATER RIGHT IN THE NAMES OF MARGARETHA) ORDER
AND F. C. NOOTNAGLE AND J. W. BERRY)

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 Jeff and Heather Wester. The affidavit states they are the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 52184, State Record of Water Right Certificates. The affidavit further states that portion of the right has been abandoned and requests its cancellation.

Certificate 52184 allows for the use of water from Cold Springs, Trout Creek, and Nootnagle Reservoir for irrigation of 160 acres with a date of priority of January 29, 1916.

The portion of Certificate 52184 which has been abandoned is for the use of 0.03 cubic foot per second (cfs) from Cold Springs, Trout Creek, and Nootnagle Reservoir for irrigation of 3.03 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 14 South, Range 10 East, WM.

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 52184, State Record of Water Right Certificates, allowing for the use of 0.04 cfs from Cold Springs, Trout Creek, and Nootnagle Reservoir for irrigation of 3.03 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 14 South, Range 10 East, WM, 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 22, 1999


Martha O. Pagel, Director