

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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 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.

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

In the Matter of Cancellation of a Portion of
the Water Right Evidenced by Certificate
2534 in the name of J.A. Guderian

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FINAL ORDER

Findings of Fact

1. Transfer Application 5795, in the name of Pendleton Country Club, Inc., was filed May 12, 1986. In the application, the club indicated 1.5 acres of water right had been lost through non-use.
2. Affidavits from Ronald Baker, President of Pendleton Country Club, Inc were received on May 29, 1986 and July 17, 1986. The affidavits requested the cancellation of 0.02 cubic feet per second (cfs) of water from Birch Creek for the irrigation 1.0 acre in the SW¼ NE¼ and 0.5 acre in the NW¼ SE¼, Section 15; being a portion of the right described by Certificate 2534, with priority dates of 1873, 1889, and 1900.
3. An order of the Water Resources Director was entered August 27, 1986, at Special Order Volume 40, Page 294, approving Transfer Application 5795. The order indicates that the Club proposes to cancel the use of 0.02 cfs of water from Birch Creek for irrigation of 1.0 acre in the SW¼ NE¼ and 0.5 acre in the NW¼ SE¼, of Section 15. The order did not actually cancel the water right requested to be cancelled.
4. The location of the lands with the various priority dates is not clear in the record. The Club worked with the Department in locating the lands with the various priority dates. The Club has determined that the water right that was lost had the junior most priority date of 1900. The remainder of the lands with the various priority dates is being located by the final proof survey being completed for Transfer 5795.
5. The right requested to be cancelled was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 127, and evidenced by a portion of Certificate 2534.

6. The portion of the right requested to be cancelled is for the use of up to 0.02 cubic foot per second of water from Birch Creek, tributary of the Umatilla River, for irrigation 1.0 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.5 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, T 1 N, R 32 E, WM, with a date of priority of 1900.
7. The portion of the water right requested to be cancelled should be cancelled.
8. Certificate 2534 has been cancelled.

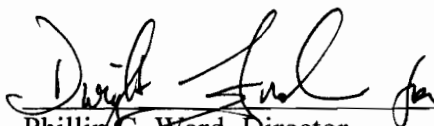
Conclusion of Law

ORS 540.621 provides that: "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 cancelling the water right."

Now therefore, it is ORDERED:

The water right requested to be cancelled is cancelled and of no further force or effect.

Issued: AUG 08 2008



Phillip C. Ward, Director
Water Resources Department