

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON AND JOSEPHINE COUNTIES

IN THE MATTER OF CANCELLATION OF A)	
PORTION OF A WATER RIGHT IN THE NAME)	PROPOSED
OF THE GRANTS PASS IRRIGATION DISTRICT)	FINAL ORDER
EVIDENCED BY CERTIFICATE 50650)	

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:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Department received an affidavit from Leon Guillotte. The affidavit states he and Lorne Alice Lundgren are the owners of lands and the water right appurtenant as evidenced by a portion of Certificate 50650, State Record of Water Right Certificates. By Durable Power of Attorney dated March 10, 1997, Mr Guillotte is authorized to act as agent and attorney in fact with power and authority to manage, administer, and control all real personal property of Lorne Alice Lundgren. The affidavit further states that the portion of the right appurtenant to their property has been abandoned and requests that portion of the right be canceled.

In addition, the Department received affidavits from Mike Wehab and Leon Guillotte attesting to five or more successive years of nonuse on the Guillotte - Lundgren property, from January 1, 1993 through March 14, 1999.

Certificate 50650 allows for the use of 96.94 cubic feet per second (cfs) from the Rogue River, Jones Creek, Fruitdale Creek, Gilbert Creek, Sand Creek, and Sparrowhawk Creek, tributaries of the Pacific Ocean, for irrigation of 7755.3 acres with dates of priority of September 29, 1916, from the Rogue River and February 27, 1922 from Jones, Fruitdale, Gilbert, Sand, and Sparrowhawk Creeks.

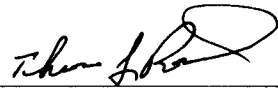
The portion of Certificate 50650 which has been abandoned is for the use of 0.16 cfs from the Rogue River, Jones Creek, Fruitdale Creek, Gilbert Creek, Sand Creek, and Sparrowhawk Creek for the irrigation of 13.1 acres within the SW¹/₄ SW¹/₄ of Section 26, Township 36 South, Range 6 West, W.M.

The record owner of the land to which the perfected and developed water right is appurtenant has certified under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof. Under ORS 540.621 and OAR 690-17-100, the Director shall enter an order canceling the water right.

PROPOSED ORDER

IT IS PROPOSED that the right described by Certificate 50650, State Record of Water Right Certificates, allowing for the use of 0.16 cfs from the Rogue River, Jones Creek, Fruitdale Creek, Gilbert Creek, Sand Creek, and Sparrowhawk Creek, tributaries of the Pacific Ocean, for the irrigation of 13.1 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 36 South, Range 6 West, W.M. be 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 April 13, 1999.


for Martha O. Pagel, Director

NOTICE OF RIGHT TO REQUEST HEARING

Any person may request a hearing before the Water Resources Department to contest this order. The hearing, if one is requested, will be conducted according to ORS chapter 183 and the Department's administrative rules governing contested case hearings. If you want a hearing you must file a written request for hearing with the Department within 30 days of the date of this Proposed Order and Notice of Right to Request Hearing. If you request a hearing the Department will notify you of the time and place of the hearing. If no person makes a timely request for a hearing the Department will issue a Final Order of Cancellation.

A request for hearing should be sent to: Gary L. Ball, Water Right Specialist
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210