

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
CLACKAMAS COUNTY

IN THE MATTER OF CANCELLATION OF A )  
 PORTION OF A PERFECTED AND DEVELOPED ) FINAL O R D E R  
 WATER RIGHT IN THE NAME OF WALTER )  
 HEFT – CERTIFICATE 41415 )

ORS 540.621 directs the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

**Findings of Fact**

1. On September 28, 2005, the Department received an affidavit from Bridget Beaudet, 21198 Beaver Creek Rd., Oregon City, Oregon, stating she is the owner of land and the water right appurtenant as evidenced by Certificate 41415, State Record of Water Right Certificates. The affidavit further states a portion of the water right appurtenant to the property has been abandoned and requests the certificate be canceled.
2. Pursuant to OAR 690-017-002(a), the Department has determined that Bridget Beaudet is the record owner, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 41415 is appurtenant.
3. Certificate 41415 allows for the use of 0.03 cubic foot per second (cfs) of water from an unnamed stream and a reservoir, tributary to Beaver Creek; being 0.01 cfs for irrigation of 1.10 acres, 0.01 cfs for stock use and 0.01 cfs for fish culture. The date of priority is May 5, 1969.
4. The portion of Certificate 41415 which has been abandoned is for the use of 0.01 cfs for irrigation of 1.10 acres located as follows:

TWP	RNG	MER	SEC	1/4	1/4	DLC	LOT	ACRES
3	S	2	E	W.M.	22	NE	NE	0.40
3	S	2	E	W.M.	23	NW	NW	0.70
TOTAL:								1.10

This is a final order in other than 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.

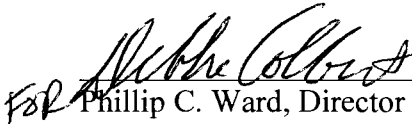
**Conclusions of Law**

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 41415 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

**Now, therefore, it is ORDERED:**

1. Certificate 41415 is canceled.
2. The Department shall issue Certificate 81746, a new and superseding certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated at Salem, Oregon this 6<sup>th</sup> day of December, 2005.

  
\_\_\_\_\_  
for Phillip C. Ward, Director

Mailing Date: DEC 14 2005