

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF THE PARTIAL CANCELLATION)	PC 90-8
OF WATER RIGHT CERTIFICATE 32927 IN THE NAME)	FINAL ORDER
OF LUKE MCDOWELL FOR USE OF WATER FROM SLATE)	CANCELING WATER
CREEK, TRIBUTARY TO THE APPLGATE RIVER,)	RIGHT
<u>JOSEPHINE COUNTY, OREGON</u>)	

On October 31, 1990, pursuant to ORS 540.631, notice was given to Frank K. Grove, 1107 SW "L" St., Grants Pass, Oregon, 97526, as owner of record of certain real property in Josephine county, Oregon, of the proposed cancellation of the portion of water right certificate 32927 appurtenant to said property.

The water right was confirmed by the decree of the Circuit Court for the State of Oregon for Jackson County, entered into Volume 16, page 523 of the Order Record of the State Engineer, and is further evidenced by Certificate 32927, State Record of Water Right Certificates.

The entirety of Certificate 32927 is for irrigation of 9.2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 37 South, Range 7 West, WM, under a priority of 1903. The rate of appropriation is limited to 0.28 cubic foot per second. Only that portion of the right for irrigation of 5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, as shown on the map herein, was proposed to be canceled. That portion of the right for irrigation of 9.2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ was and is not in question and was and is not to be canceled in this proceeding.

ORS 540.641(1) provides that "[I]f the legal owner or occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water right within the 60-day period prescribed in the notice, the Water Resources Commission may enter an order canceling the water right". The Water Resources Commission has delegated to the Hearings Referee the authority to initiate a proceeding under ORS 540.610 to 540.650 and to issue a final order if no protest is filed.

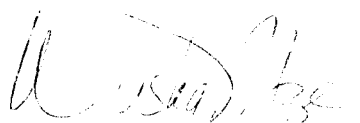
No protest has been filed against the proposed cancellation of the water right in question.

NOW, THEREFORE, it is ORDERED that the portion of the water right in question for irrigation of 5.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, Township 37 South, Range 7 West, described by Certificate 32927 in the name of Luke McDowell be and the same is hereby canceled.

SE $\frac{1}{4}$
HMM
3/11/91

It is FURTHER ORDERED that Certificate 32927 be canceled and a new certificate issued for that portion of the right not canceled in this proceeding.

DATED this 2nd day of January, 1991.


WEISHA MIZE
Hearings Referee

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for judicial review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to ORS 536.075.