

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE PROPOSED PARTIAL) PC 99-4
CANCELLATION OF THE WATER RIGHT) FINAL ORDER CANCELING
EVIDENCED BY CERTIFICATE 50650) WATER RIGHT

Pursuant to the provisions of ORS 183.415 and 540.631, notice was served December 9, 1999 by certified mail on Leon Guillotte, owner of record of certain real property described as Tax Lot 1400, SW¼ SW¼ Section 26, Township 36 South, Range 6 West, W.M., Josephine County, Oregon, of the proposed cancellation of the portion of water right evidenced by Water Right Certificate 50650 appurtenant to said real property.

The proposed cancellation was initiated following receipt of affidavits filed with the Department by Leon Guillotte and Mike Wehab, both of Grants Pass, Oregon, containing allegations that the water right in question as described above has been forfeited by failure to make beneficial use of the water under the terms of the water right for a period of five or more consecutive years, from January, 1993 through March 14, 1999.

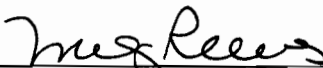
The water right in question is a **portion** of that right evidenced by the water right certificate recorded at Volume 44, page 50650, State Record of Water Right Certificates. Water Right Certificate 50650 authorizes the use of water for irrigation of 7,755.3 acres under priority dates of September 29, 1916 from the Rogue River and February 27, 1922 from Jones, Fruitdale, Gilbert, Sand and Sparrowhawk Creeks.

Only that portion of the water right for irrigation of 13.1 acres (Tax Lot 1400) in the SW¼ SW¼ of Section 26, Township 36 South, Range 6 West, WM, under a priority of February 27, 1922, is in question in this proceeding. The rate of appropriation for this portion of the right is limited to 0.16 cubic feet per second (cfs) during the irrigation season of each year. The total quantity diverted during each irrigation season shall not exceed 4.5 acre-feet per acre for each acre irrigated.

The remaining portion of the right for irrigation use on 7,742.2 acres is **not** in question in this proceeding.

No protest or response having been received from the owners of record against the proposed cancellation within the time allowed, pursuant to ORS 540.641 it is hereby ORDERED that the portion of the water right evidenced by Certificate 50650, as described above, 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.

Issued this 4th day of August, 2000.



Meg Reeves, Deputy Director

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.