

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A PERFECTED AND DEVELOPED) FINAL ORDER
WATER RIGHT EVIDENCED BY)
CERTIFICATE 23152 IN THE NAMES OF)
GEORGE AND EDWIN BURKHALTER)

Authority

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 June 22, 2007, the Department received an affidavit from Gary Tankersley on behalf of Tankersley Farms Inc., 16325 NW Pumpkin Ridge Rd., North Plains, OR 97133, stating they are the owners of lands and the water right appurtenant as evidenced by Certificate 23152, 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 cancelled.
2. Pursuant to OAR 690-017-0100, the Department has determined that Tankersley Farms, Inc. is the recorded owner, as established by county deed records, of property to which the water right evidenced by Certificate 23152 is appurtenant.
4. Certificate 23152 allows for the use of 0.22 cubic foot per second (cfs) of water from an unnamed creek and reservoir (constructed under Permit R-1205), tributaries to the Tualatin River; for the irrigation of 17.6 acres. The date of priority is May 21, 1951.
5. The portion of Certificate 23152 which has been abandoned is for the use of 0.168 cfs of water for irrigation of 13.4 acres located as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	2 W	WM	19	SW SW	Rice DLC64	8.4
1 S	2 W	WM	30	NE NW	Rice DLC 64	0.4
1 S	2 W	WM	30	NW NW	Rice DLC 64	4.6

Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 23152 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Certificate 23152 is cancelled.
2. The Department shall issue Certificate 83424, a new and superseding certificate, to describe the remaining portion of the perfected and developed right NOT cancelled by the provisions of this order.

Dated at Salem, Oregon this 2nd day of July, 2007.



PCW Phillip C. Ward, Director

Mailing Date: JUL 12 2007