

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
CLACKAMAS COUNTY

IN THE MATTER OF CANCELLATION OF A PORTION)
 OF A PERFECTED AND DEVELOPED WATER RIGHT) FINAL O R D E R
 IN THE NAME OF GERHARD MATZEN)

The Water Resources Department (Department) received an affidavit from the owner 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:

STATEMENT OF FACTS

The Department received an affidavit from Ann Hanus, Director of the Oregon Division of State Lands, located at 775 Summer Street NE, Salem, Oregon, stating the Division of State Lands is the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 20371, State Record of Water Right Certificates. Deed records indicate the Division of State Lands, as the trustee for the State of Oregon Common School Fund, is the record owner of the lands to which a portion of Certificate 20371 is appurtenant. The affidavit further states that a portion of the right appurtenant to the property has been abandoned and requests that portion of the certificate be canceled.

Water Right Certificate 20371 allows for the use of 0.775 cubic foot per second (cfs) from an Unnamed Stream, tributary to Corral Creek, for irrigation of 62.0 acres, with a date of priority of August 30, 1937.

The portion of Certificate 20371 which has been abandoned is for the use of 0.647 cfs of water from an Unnamed Stream, for irrigation of 51.8 acres, located as follows:

NE¼ NW¼	14.2	Acres
NW¼ NW¼	1.0	Acres
SW¼ NW¼	2.0	Acres
All Projected Within Short DLC 46		
SW¼ NW¼	9.6	Acres
As Projected Within Shaw DLC 51		

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.

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 24.4 Acres
As Projected Within Short DLC 46
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.6 Acres
As Projected Within Shaw DLC 51
Section 22
Township 3 South, Range 1 West, W.M.

CONCLUSIONS OF LAW

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.

Oregon Administrative Rule 690-017-0100 authorizes the Director of the Water Resources Department to issue an order, under authority delegated to him by the Commission, canceling a perfected and developed water right in accordance with the provisions of ORS 540.621 when so requested by notarized affidavit of the record owner of land to which a water right is appurtenant.

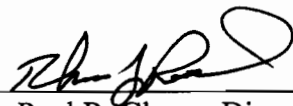
The Director of the Water Resources Department concludes a portion of Certificate 20371 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

ORDER

IT IS ORDERED that the portion of the water right described by Certificate 20371 for the use of 0.647 cfs of water from an Unnamed Stream, for irrigation of 51.8 acres within Section 22, Township 36 South, Range 5 West, W.M., is canceled.

IT IS FURTHER ORDERED that Certificate 20371 is hereby canceled. The Department shall issue Certificate 76964, a new and superseding water right certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated JUN 15 2001.



Paul R. Cleary, Director
Oregon Water Resources Department