

**BEFORE THE WATER RESOURCES DIRECTOR OF OREGON**

**JOSEPHINE COUNTY**

IN THE MATTER OF CANCELLATION OF A )  
PORTION OF A PERFECTED AND ) FINAL O R D E R  
DEVELOPED WATER RIGHT IN THE NAME )  
OF GRANTS PASS IRRIGATION DISTRICT )

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. The Department received affidavits from the landowners listed in Table 1, stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 80735, State Record of Water Right Certificates. The affidavits further state a portion of the water right appurtenant to their property has been abandoned and request the certificate be canceled.
2. Pursuant to OAR 690-017-002(a), the Department has determined that the landowners listed in Table 1 are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 80735 is appurtenant.
3. Certificate 80735 allows for the use of up to 112.91 cubic feet per second (cfs) of water from the Rogue River and specified tributaries. The maximum allowable diversion from the Rogue River is 112.91 cfs; being 73.39 cfs under a September 29, 1916, priority date and 39.52 under an August 21, 1987, priority date. The right also allows the use of 4.54 cfs from Jones Creek, 3.79 cfs from Fruitdale Creek, 3.79 cfs from Gilbert Creek, 4.54 cfs from Sand Creek, and 2.27 cfs from Sparrowhawk Creek, with the total diversion not to exceed 112.91 cfs from all sources.
4. The portion of Certificate 80735 which has been abandoned is for the use of 0.188 cfs for irrigation of 9.75 acres described in Table 1.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an 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.

**TABLE 1. – REQUESTED CANCELLATIONS**

<b>AFFIANTS</b>	<b>ADDRESS</b>				<b>TWP</b>	<b>RNG</b>	<b>SEC</b>	<b>1/4 -1/4</b>	<b>TAX LOT</b>	<b>ACRES</b>
Mary Ellen Smith	100 Tuttle Ct.	Rogue River	OR	97537	36 S	4 W	15	NE SW	600	0.10
Delores Hardwick	102 Tuttle Ct.	Rogue River	OR	97537	36 S	4 W	15	NE SW	603	0.10
Raymond and Beryl Hallbauer	106 Tuttle Ct.	Rogue River	OR	97537	36 S	4 W	15	NE SW	605	0.10
John and Muriel Thomson	959 Morgan Lane	Grants Pass	OR	97526	36 S	5 W	7	NW NE	333	0.10
Keith and Rachel Baumgardner	1260 NW B St.	Grants Pass	OR	97526	36 S	5 W	7	SE SW	1602	0.15
Helen Watson	1401 N.E. Heritage Dr.	Grants Pass	OR	97526	36 S	5 W	16	NW NW	107	0.15
Joseph Tennyson	1740 Foothill Blvd.	Grants Pass	OR	97526	36 S	5 W	16	SE NW	701	0.22
Marlene Davis Smith and Helaine Smith	201 Clydesdale Dr.	Grants Pass	OR	97526	36 S	5 W	16	NW SW	101	0.24
Hubert and Mary Jones	1216 NE Dudley Dr.	Grants Pass	OR	97526	36 S	5 W	17	NE NE	11301	0.10
Roger Dorn	824 NE 10th St.	Grants Pass	OR	97526	36 S	5 W	17	NW NE	6700	0.20
Gerhard and Edith Bestul	1662 NW Williamsburg Dr.	Grants Pass	OR	97526	36 S	5 W	18	NW NW	510	0.29
Al and Chris Alstrom	718 SW Oak St.	Grants Pass	OR	97526	36 S	5 W	18	SE SW	500	0.17
Douglas and Beverly Walker	960 NE 9th	Grants Pass	OR	97526	36 S	5 W	19	NE NW	1900	0.50
Coleen Jarrett	1140 SW Lee Lane	Grants Pass	OR	97526	36 S	5 W	19	NE NW	2102	0.17
Victor and Winifred Fedosky	249 Triller Ln.	Grants Pass	OR	97527	36 S	5 W	20	SE SW	400	0.64
Donavon and Susan Skalicky	1358 Park St.	Grants Pass	OR	97517	36 S	5 W	20	NE SE	1400	0.32
Joe and Teddy Kolkow	PO Box 1342	Merlin	OR	97526	36 S	5 W	21	SW SW	6101	0.21
Richard and Eleanor Dunn	5149 Rogue River Hwy	Grants Pass	OR	97527	36 S	5 W	24	SE SW	2202	0.84
Richard and Donna Letson	1830 Gaffney Way	Grants Pass	OR	97527	36 S	5 W	29	NE NW	701	0.28
Duane and Phyliss Sagen	930 Idle Ct.	Grants Pass	OR	97527	36 S	5 W	29	NE NW	1501	0.23
Edward and June McDough	911 Lark Ellen Way	Grants Pass	OR	97527	36 S	5 W	30	NE NW	407	0.27
Barbara Krul	1959 Meadow Glen	Grants Pass	OR	97527	36 S	5 W	30	NW NW	114	0.25
Alfred and Kristin Panacy	783 Delsie Dr.	Grants Pass	OR	97527	36 S	6 W	23	SE NE	7802	0.27
Walter and Jeanette Ferris	776 Delsie Dr.	Grants Pass	OR	97527	36 S	6 W	23	SE NE	7900	0.27
Richard and Kande Stephens	810 Delsie Dr.	Grants Pass	OR	97527	36 S	6 W	23	SE NE	8200	0.22
Jakob Helweg	2980 Golden Aspen Dr.	Grants Pass	OR	97527	36 S	6 W	23	SW NW	3301	0.19
Olin and Marie McGuire	2760 Sockeye Circle	Grants Pass	OR	97527	36 S	6 W	23	SW NW	6400	0.15
Delores Deakins	1465 Kokanee Ln.	Grants Pass	OR	97527	36 S	6 W	23	NW SW	114	0.17
Michael and Debra Sullivan	2190 North Star Dr.	Grants Pass	OR	97527	36 S	6 W	23	NE SE	1501	0.17
Susan Bowers	1304 Sun Glo	Grants Pass	OR	97527	36 S	6 W	23	NE SE	1511	0.17
Margaret Harkins	2104 Garden Valley Way	Grants Pass	OR	97526	36 S	6 W	24	NW NE	3110	0.13

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John and Linda Molinu	96 Susan Lane	Grants Pass	OR	97526	36 S	6 W	24	NW NE	301	0.21
Betty Gandy	1655 Webster Rd.	Grants Pass	OR	97526	36 S	6 W	24	SE NE	3600	0.64
Eugene and Edith Selsor	1405 Annabelle Ln.	Grants Pass	OR	97527	36 S	6 W	24	NW SW	900	0.19
Megan Robinson	1910 W. Harbeck Rd.	Grants Pass	OR	97527	36 S	6 W	25	NW NE	803	0.18
Joseph and Jewel Dino	1906 W. Harbeck Rd.	Grants Pass	OR	97527	36 S	6 W	25	NW NE	804	0.18
Robert and Sally Smith Pugh	1900 W. Harbeck Rd.	Grants Pass	OR	97527	36 S	6 W	25	NW NE	805	0.18
Arthur and Sildeth Rader	1434 Sunnyslope Dr.	Grants Pass	OR	97527	36 S	6 W	25	NW NE	833	0.18
Frank and Carol Loyer	1436 Sunny Slope Dr.	Grants Pass	OR	97527	36 S	6 W	25	NW NE	834	0.18
Robert and Lois Matte	1423 Westview Dr.	Grants Pass	OR	97527	36 S	6 W	25	NW NE	904	0.19
Marion Morgan	2101 Cullison Ln.	Grants Pass	OR	97527	36 S	6 W	25	SE NE	600	0.25
<b>TOTAL:</b>										<b>9.75</b>


## Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 80735 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

### Now, therefore, it is ORDERED:

1. Certificate 80735 is canceled.
2. The Department shall issue Certificate 80971, 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 4<sup>th</sup> day of October, 2004.

  
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For Phillip C. Ward, Acting Director