

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF CANCELLATION)
OF A WATER RIGHT IN THE NAMES)
OF COOPER & YOUNG FOR WATERS)
OF SALT CREEK)
- - - - -

PC 80-6
ORDER DISMISSING
PROCEEDING

This proceeding was initiated by the Water Resources Director under the provisions of ORS 540.610 to 540.650 for the cancellation of a certain water right, based on information furnished to the Director in the form of two affidavits alleging nonuse of the said water right in question over a period of five and more successive years of nonuse.

The water right in question is for the appropriation of water from Salt Creek under a priority date of February 19, 1952, for domestic use in a residence and two bunkhouses located between Oregon Highway 42 and the channel of South Umpqua River, within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 30 South, Range 2 West, W.M., being a portion of the right described by the certificate issued in the names of Cooper and Young and recorded at page 26601, Volume 18, State Record of Water Right Certificates.

Notice dated May 16, 1980 of initiation of this proceeding for cancellation of the subject water right was given pursuant to ORS 540.631 to Mr. Richard H. Caswell as owner of the real property to which the said water right is appurtenant.

On June 20, 1980, a protest was filed in the office of the Water Resources Director by Richard H. Caswell against the proposed cancellation of the water right in question.

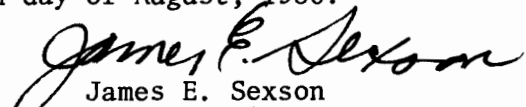
Pursuant to the Director's notice of hearing dated July 15, 1980, the matter was set for hearing on August 15, 1980 in Tiller, Oregon.

On August 8, 1980, both of the affiants who had furnished information to the Director as set forth in paragraph 1 above, each submitted an additional affidavit to the effect that although he had not observed any use of water on the property to which the water right in question is appurtenant having been made under the provisions of the said water right, he cannot state with certainty that no such use was made, and requests that the hearing be canceled.

It appearing that there is not evidence available to prove the occurrence of a period of five or more successive years of nonuse of the water right in question, this proceeding should be dismissed.

NOW, THEREFORE, it is ORDERED that this proceeding for the cancellation of the aforesaid water right in question be and the same hereby is dismissed without prejudice.

Dated at Salem, Oregon this 25th day of August, 1980.


James E. Sexson
Director