

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of a Diminution and Partial)
 Cancellation of Water Right Certificate 83973, in) **FINAL ORDER**
 the names of L. J. and Alice Marks, Umatilla)
 County)

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 September 27, 2013, the Department received affidavits from Kenneth W. Findley on behalf of Findley Acquisitions, LLC, 13520 NW Lakeview Dr., Portland, OR 97729, stating they are the owners of land and the water right appurtenant as evidenced by Certificate 83973. The affidavits request cancellation of a portion of the certificate and diminution of the 132.94 acres from irrigation to supplemental irrigation.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Findley Acquisitions, LLC are the recorded owners, as established by county deed records, of the water right evidenced by Certificate 83973.
3. Certificate 83973 allows for the use of not more than 4.98 cubic foot per second (cfs), or its equivalent in case of rotation, from the Columbia River, for irrigation of 137.29 acres and supplemental irrigation of 66.71 acres of land. The date of priority is May 23, 1980.
4. The affidavit requests partial cancellation of the use of 0.106 cfs and 4.35 acres identified in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	26	SW NE	0.70
5 N	29 E	WM	26	SW NW	0.45
5 N	29 E	WM	26	SE NW	2.20
5 N	29 E	WM	26	NW SW	1.00
Total:					4.35

5. The second affidavit requests the use of the remaining portion of irrigation evidenced by Certificate 83973 (described in the table below) be diminished from irrigation to supplemental irrigation.

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 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	23	SW SE	24.00
5 N	29 E	WM	23	SE SE	22.00
5 N	29 E	WM	26	NE NE	10.80
5 N	29 E	WM	26	NW NE	27.00
5 N	29 E	WM	26	SW NE	14.70
5 N	29 E	WM	26	NE NW	4.24
5 N	29 E	WM	26	SE NW	26.40
5 N	29 E	WM	26	NW SW	3.80
Total:					132.94

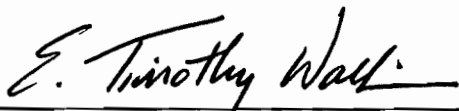
Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Certificate 83973 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Certificate 83973 is canceled.
2. The Department shall issue a new a superseding certificate to describe the diminution of the remaining portion of the water right NOT canceled by the provisions of this order.

Dated at Salem, Oregon this 9th day of January, 2014.



E. Timothy Wallin, Water Right Program Manager for
PHILLIP C. WARD, DIRECTOR

Mailing date: JAN 10 2014