

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

In the Matter of Cancellation of an Entire	)	RECONSIDERATION OF A FINAL
Perfected and Developed Water Right	)	ORDER RECORDED IN SPECIAL
Evidenced by Certificate in the Name of	)	ORDER VOLUME 74 PAGES 247 – 248
Oregon State Parks and Recreation Branch	)	CANCELING WATER RIGHT
	)	CERTIFICATE 61862

**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. OAR 137-004-0080 describes the process for reconsideration of an order in other than contested case.

**Affiant**

Oregon Parks and Recreation Department  
Attn – Jan Houck  
725 Summer Street NE, Suite C  
Salem, OR 97301-1266

**Findings of Fact**

1. On December 17, 2007, the Department received an affidavit from Oregon Parks and Recreation Department, stating they are the owner of lands and the water right appurtenant as evidenced by Water Right Certificate 61862. The affidavit stated the entirety of the water right appurtenant to their property has been abandoned and requested the certificate be canceled.
2. Pursuant to ORS 540.621 and OAR Division 690, Chapter 017, the Director issued an order on February 26, 2008, canceling water right Certificate 61862. The order is recorded in Special Order Volume 74, Page 247 - 248.
3. On April 9, 2008, the Department received a request from the Oregon Parks and Recreation Department that the order be reconsidered. The request indicated that the affidavit had been erroneously filed and that the water right had not been abandoned.
4. The request for reconsideration was filed within the 60-day period specified in ORS 183.484.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

**Conclusions of Law**

The affidavit requesting cancellation of the water right was submitted in error. The water right should not be cancelled.

**Now, therefore, it is ORDERED:**

1. The order canceling the water right evidenced by Certificate 61862 recorded in Special Order Volume 74, Pages 247 - 248 is withdrawn and of no further force or effect.
2. A new certificate shall be issued describing the water right evidenced by Certificate 61862.

Dated at Salem, Oregon this 21<sup>ST</sup> day of April, 2008.



*For* Phillip C. Ward  
Director

Mailing date: APR 24 2008