

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON
BAKER COUNTY

IN THE MATTER OF CANCELLATION)	PC 86-19
OF A WATER RIGHT IN THE NAME)	
OF OTHA D. PERKINS FOR USE OF)	ORDER CANCELING
WATER FROM A RESERVOIR)	WATER RIGHT

On December 12, 1986, pursuant to the provisions of ORS 540.631, notice was given to Agribusiness Department, First Interstate Bank of Oregon as the owner of certain real property which includes the SE 1/4 NE 1/4 of Section 13, Township 8 South, Range 38 East, WM, Baker County, Oregon, of the proposed cancellation of a certain water right appurtenant to the said real property.

The water right in question is for use of stored water from Pine Creek Reservoir, constructed under Permit R-660, at a rate of 1.0 cubic foot per second of water and under a date of priority of December 11, 1931, for irrigation of a certain 40.0 acres within the SE 1/4 NE 1/4 of Section 13, Township 8 South, Range 38 East, WM. The right in question is a portion of the right established under Permit 10721 and described by the certificate issued in the name of Otha D. Perkins and recorded at page 10135, Volume 9, State Record of Water Right Certificates. The balance of the water right described by the said certificate of water right is not in question in this proceeding.

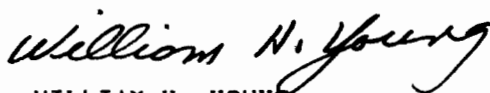
ORS 540.641(1) provides: "If the legal owner or the occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water right within the 60-day period prescribed in the notice, the water Resources Commission may enter an order canceling the water right." The Water Resources Commission has delegated to the Director the authority to initiate a proceeding under 540.610 to 540.650 and to issue a final order if no protest is filed.

No protest has been filed against the proposed cancellation of the water right in question.

NOW, THEREFORE, it is ORDERED that the water right in question, being a portion or the right described by the certificate issued in the name of Otha D. Perkins and recorded at page 10135, Volume 9, State Record of Water Right Certificates, be and the same hereby is canceled.

It is FURTHER ORDERED that the said certificate of water right be canceled and in lieu thereof, a new certificate be issued to described the remainder of the water right described by said certificate, not canceled by this proceeding.

Dated at Salem, Oregon this 13th day of February, 1987.


WILLIAM H. YOUNG
Director

Notice: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.