

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A PERFECTED AND DEVELOPED) O R D E R
WATER RIGHT IN THE NAME OF WILLIAM PERINI)

ORS 540.621 states that whenever the owner of a perfected and developed water right abandons a water right, the Water Resources Commission (Commission) shall enter an order canceling the right. The Water Resources Department (Department) received an affidavit from the owner of lands stating they have abandoned the water right appurtenant to their land and requesting the cancellation of the water right. The Department has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

On September, 8, 2000, the Department received a complete and notarized affidavit from Daryl C. Owens declaring he is the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 20341, State Record of Water Right Certificates. The affidavit further states that the right appurtenant to his property has been abandoned and requests cancellation of that portion of the perfected water right. Deed records show Daryl C. Owens as the record owner of land to which a portion of Certificate 20341 is appurtenant.

Certificate 20341 allows for the use of 0.38 cubic foot per second (cfs) from the Crooked River, tributary to the Deschutes River, for irrigation of 30.5 acres with a date of priority of June 20, 1940.

The portion of Certificate 20341 which has been abandoned is for the use of 0.01 (cfs) of water from the Crooked River, tributary to the Deschutes River, for irrigation of 1.1 acres within the NE¼ NW¼ of Section 36, Township 14 South, Range 15 East, W. M.

CONCLUSIONS OF LAW

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.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Oregon Administrative Rule 690-017-0100 authorizes the Director of the Water Resources Department to issue an order, under authority delegated to him by the Commission, canceling a perfected and developed water right in accordance with the provisions of ORS 540.621 when so requested by notarized affidavit of the record owner of land to which a water right is appurtenant.

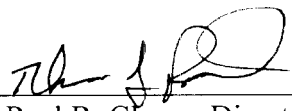
The Director of the Water Resources Department concludes that a portion of Certificate 20341 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

ORDER

IT IS ORDERED that the portion of the water right described by Certificate 20341 for the use of 0.01 cfs from the Crooked River, tributary to the Deschutes River, for irrigation of 1.1 acres within the NE¼ NW¼, Section 36, Township 14 South, Range 15 East, W. M., is canceled.

IT IS FURTHER ORDERED that Certificate 20341 is hereby canceled, and the Department shall issue a new and superseding water right certificate describing the remaining portion of the water right NOT canceled by the provisions of this order.

Dated 09-13-2000 .



Paul R. Cleary, Director
Oregon Water Resources Department