BEFORE THE WATER RESOURCES DIRECTOR OF OREGON UMATILLA COUNTY

IN THE MATTER OF CANCELLATION OF A)	
PORTION OF A PERFECTED AND DEVELOPED)	FINAL ORDER
WATER RIGHT IN THE NAME OF SANDRA)	
SHARP – CERTIFICATE 42860)	

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

- On December 15, 2005, the Department received an affidavit from Troy Betz and Greg Juul
 of JB Land LLC, 440 Christianson Loop, Hermiston, Oregon, 97838, stating they are the
 owners of land and the water right appurtenant as evidenced by Certificate 42860, State
 Record of Water Right Certificates. The affidavit further states a portion of the water right
 appurtenant to the property has been abandoned and requests the certificate be canceled.
- 2. Pursuant to OAR 690-017-002(a), the Department has determined that Troy Betz and Greg Juul are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 42860 is appurtenant.
- 3. Certificate 42860 allows for the use of 1.15 cubic feet per second (cfs) of water from a well, tributary to the Umatilla River, for irrigation of 91.70 acres. The date of priority is September 27, 1968.
- 4. The portion of Certificate 42860 which has been abandoned is for the use of 0.11 cfs for irrigation of 9.00 acres located as follows:

TWP RNG		1G	MER	SEC	1/4 - 1/4		ACRES	
4	N	28	E	W.M.	28	NE	NE	3.10
4	N	28	E	W.M.	28	NW	NE	5.90
TOTAL							9.00	

This is a final order in other than 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 either 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 Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 42860 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

- 1. Certificate 42860 is canceled.
- 2. The Department shall issue Certificate 81783, a new and superseding certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated at Salem, Oregon this _____ day of January, 2006.

Phillip C. Ward, Director

Mailing Date: _____ JAN 1 9 2006