

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

In the Matter of a Partial Cancellation of Water)
 Right Certificate 30722, in the name of Francis) FINAL ORDER
 Itel, Marion County)

Authority

ORS 540.621 directs the Commission to enter an order cancelling a water right whenever the owner of a perfected and developed water right certifies that the water right has been abandoned by the owner and the owner desires to cancel the right or portion thereof.

Findings of Fact

1. On May 5, 2016, the Department received an affidavit from Frank Itel, 22317 Case Road NE, Aurora, OR 97002, and David Itel, 9118 Champoeg Road NE, Aurora, OR 97002, stating they are the owners of the land and the appurtenant water right evidenced by Certificate 30722.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined that David Itel is the recorded owner, as established by county deed records, of the water right evidenced by Certificate 30722.
3. Certificate 30722 allows for the use of not more than 0.6 cubic foot per second (cfs) from Case Creek for irrigation of 166.9 acres. The date of priority is April 17, 1958.
4. The affidavit requests partial cancellation of 0.48 cfs for irrigation of 133.7 acres at the location identified in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	07	NE NW	1.5
4 S	1 W	WM	07	NW NW	42.6
4 S	1 W	WM	07	SW NW	26.0
4 S	2 W	WM	12	NE NE	38.2
4 S	2 W	WM	12	SE NE	25.4

Conclusions of Law

The Director of the Water Resources Department concludes the portion of the right evidenced by Certificate 30722 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

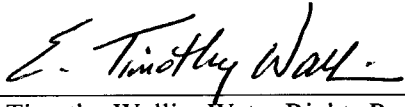
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

Now, therefore, it is ORDERED:

1. Certificate 30722 is cancelled.
2. The Department shall issue certificate 91805 to describe the remaining portion of the water right NOT cancelled by the provisions of this order.

Issued August 17, 2016.



E. Timothy Wallin, Water Rights Program Manager, for
Thomas M. Byler, Director

Mailing date: AUG 19 2016