

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

In the Matter of a Partial Cancellation of Water     )  
Right Certificate 34925, in the name of Joseph     )     FINAL ORDER  
and Wilma Harrison, Union 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 under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

**Findings of Fact**

1. The Department received an affidavit signed by Steven DeLashmutt, Manager, on behalf of MDB Farms LLC, 3640 H Street, Baker City, OR, 97814-1278, stating they are the owner of land and the water right appurtenant evidenced by Certificate 34925. The affidavit requested cancellation of a portion of the certificate.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined MDB Farms LLC is the recorded owner, as established by county deed records, of the portion of the land and water right referenced in the affidavit.
3. Certificate 34925 allows for the use of no more than 2.0 cubic foot per second of water from McAllister Slough, tributary to the Grande Ronde River, for irrigation of 143.0 acres. The date of priority is October 1, 1964.
4. The affidavit requests cancellation of 142.7 acres of irrigation and the one-fortieth cubic foot per second of water per acre. The place of use requested to be cancelled is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	1	NE SE	30.1
3 S	38 E	WM	1	NW SE	35.7
3 S	38 E	WM	1	SW SE	38.9
3 S	38 E	WM	1	SE SE	38.0

**Conclusions of Law**

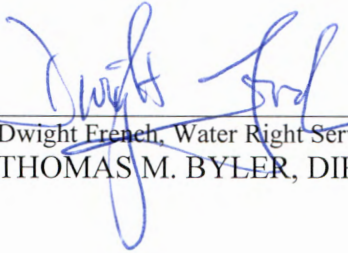
The Director of the Water Resources Department concludes a portion of the right evidenced by Certificate 34925, as described above, has been abandoned in accordance with the provisions of ORS 540.621 and should be cancelled.

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 137-004-0080, 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 34925 is cancelled.
2. Certificate 90856 is issued in part to document the portion of Certificate 34925 not cancelled by this order.

Dated at Salem, Oregon this 26 day of March, 2019.



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Dwight French, Water Right Services Administrator for  
THOMAS M. BYLER, DIRECTOR

Mailing Date: MAR 26 2019