

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
UMATILLA COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT) ORDER
IN THE NAME OF J. M.. MARLATT)

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

STATEMENT OF FACTS

The Department received an affidavit from Robert and Ruby Hodnefield. The affidavit states they are the owner of lands and the water right appurtenant, which is evidenced by a portion of Certificate 46364, State Record of Water Right Certificates. The affidavit further states that the right has been abandoned and requests that the certificate be canceled.

The right evidenced by Certificate 46364 allows for the use of Dugger Creek, a tributary of Pine Creek, for irrigation of 14.5 acres, domestic, and stock use within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 6 North, Range 34 East, Willamette Meridian, under a priority date of 1899

The portion of Certificate 46364 which has been abandoned is for the use of 0.02 cubic foot per second (cfs) from Dugger Creek for the irrigation of 1.7 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 6 North, Range 34 East, Willamette Meridian.

CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right (ORS 540.621).

ORDER

IT IS ORDERED that the right described by Certificate 46364, State Record of Water Right Certificates, allowing for the use of 0.02 cfs from Dugger Creek, tributary of Pine Creek, for irrigation of 1.7 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 6 North, Range 34 East, Willamette Meridian, is canceled and a new certificate describing that portion of the right not canceled by provisions of this order be issued.

Dated March 22, 1999


Martha O. Pagel, Director