

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

BAKER COUNTY

In the Matter of Cancellation of a Portion)
of a Perfected and Developed Water Right)
Evidenced by Certificate 80460 in the) **FINAL ORDER**
Name of Baker Valley Irrigation District)

Authority

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

1. On March 11, 2009, the Department received an affidavit from Fred and Laurie McAdams, 2500 2nd Street, Baker City, Oregon, 97814, stating they are the owners of lands and the water right appurtenant as evidenced by Certificate 80460, 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 cancelled.
2. Pursuant to OAR 690-017-0100, the Department has determined that Fred and Laurie McAdams are the recorded owners, as established by county deed records, of property to which the water right evidenced by Certificate 80460 is appurtenant.
3. Certificate 80460 allows for the use of 42.2 cubic feet per second (cfs) from the Powder River and storage of 350 acre-feet of water in Baker Reservoir, tributary to the Snake River; for the irrigation of 1686.95 acres. The date of priority is March 1905.
4. The portion of Certificate 80460 which has been abandoned is for the use of 0.90 cfs for irrigation of 36.1 acres located as follows:

IRRIGATION					
TWP	RNG	MER	SEC	Q-Q	ACRES
9 S	40 E	WM	2	NW NE	36.1

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.

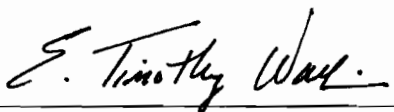
Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 80460 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. The water right appurtenant to the land described in Findings of Fact #4 is canceled and the Department's records shall be modified accordingly.
2. The Department shall issue a new water right certificate to supersede Certificate 80460 on a determination that it is necessary to produce a certificate to confirm the portion of the right not involved in this cancellation.

Dated at Salem, Oregon this 8th day of June, 2009.



Phillip C. Ward, Director

Mailing Date: JUN 08 2009