

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CLACKAMAS COUNTY

IN THE MATTER OF CANCELLATION OF A )  
PORTION OF A WATER RIGHT IN THE NAME ) ORDER  
OF A. GUNTHER )

The Water Resources Department (Department) received an affidavit from owners of land stating they have abandoned a portion of a 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

On October 4, 1993, the Department received an affidavit from Riley R. Taylor, Secretary for the General Partner, Brendon Estates Limited Partnership. The affidavit states they are the owners of land and the water right as evidenced by a portion of Certificate 20457, State Record of Water Right Certificates. The affidavit further states, the right appurtenant to the land has been abandoned and requests that portion of the certificate be canceled. The abandoned water right is the right to use 0.069 cubic foot per second from Caufield Creek, a tributary to Beaver Creek, a tributary of the Willamette River, for irrigation of 5.5 acres with a priority date of February 1, 1949.

A description of the place of use of the abandoned right is as follows:

NE¼ NW¼ 1.1 Acres  
NW¼ NW¼ 4.4 Acres  
As projected within R. Caufield DLC 53  
Section 16  
Township 3 South, Range 2 East, W.M.


CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under an 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 20457 allowing for the use of 0.069 cfs of water from Caufield Creek with a priority of February 1, 1949 for the irrigation of 5.5 acres, State Record of Water Right Certificates, is canceled and a new certificate of water right describing that portion of the water right not canceled by the provisions of this order be issued.

Dated 1/23/98.



Martha O. Pagel, Director