

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
MARION COUNTY

IN THE MATTER OF CANCELLATION OF A )  
 PORTION OF A PERFECTED AND ) FINAL O R D E R  
 DEVELOPED WATER RIGHT IN THE NAME )  
 OF FRANCIS X. RYAN )

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 FACTS

1. On November 20, 2003, the Department received an affidavit from Paul and Susan DuPont, 1112 N. Knights Bridge Rd., Canby, Oregon stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 42311, 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 canceled.
2. Pursuant to OAR 690-017-002(a), the Department has determined that Paul and Susan DuPont are the record owner, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 42311 is appurtenant.
3. Certificate 42311 allows for the use of 0.85 cubic foot per second (cfs) of water from a well, tributary to Ryan Creek, for irrigation of 67.8 acres. The date of priority is January 16, 1968.
4. The portion of Certificate 42311 which has been abandoned is for the use of 0.35 cfs for irrigation of 28.01 acres located as follows:

TWP	RNG	MER	SEC	1/4	1/4	DLC	LOT	ACRES	
4	S	1	W	W.M.	18	SW	NW	CHILDERS DLC 75	18.02
4	S	1	W	W.M.	18	NW	SW	CHILDERS DLC 75	5.20
4	S	2	W	W.M.	13	SE	NE	CHILDERS DLC 46	3.18
4	S	2	W	W.M.	13	NE	SE	CHILDERS DLC 46	1.61

**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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

CONCLUSIONS OF LAW


The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 42311 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

ORDER

IT IS ORDERED:

1. Certificate 42311 is canceled.
2. The Department shall issue Certificate 80731, a new and superseding certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated     MAY 03 2004    .

  
\_\_\_\_\_  
*For* Paul R. Cleary, Director