

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

IN THE MATTER OF A PARTIAL CANCELLATION)
OF WATER RIGHT CERTIFICATE 79309, IN THE) FINAL ORDER
NAMES OF ARTHUR O. AND ISOBEL)
TOLLEFSON, DOUGLAS COUNTY)

Authority

Oregon Revised Statute 540.621 and Oregon Administrative Rules 690-17-0100 direct 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 December 4, 2017, the Department received an AFFIDAVIT FOR THE VOLUNTARY PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE (Affidavit) from Dennis Arthur Tollefson of 147 Greystone Dr, Oak Ridge, TN 37830, as a representative of the deceased owner of the land (Arthur Oden Tollefson) and the appurtenant water right evidenced by Certificate 79309.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Arthur O. and Isobel Tollefson are the recorded owners, as established by county deed records, of the land and water right evidenced by Certificate 79309.
3. Certificate 79309 allows for the use 0.025 cubic feet per second (CFS) of water from an unnamed spring and Smith River, tributaries of the Umpqua River, being 0.005 CFS from the spring for domestic use for one family, and 0.02 CFS from Smith River for irrigation of 1.5 acres. The date of priority is May 21, 1979.
4. The affidavit requests cancellation of 0.005 CFS of water from the spring with a point of diversion located within the NE¼ SE¼, SECTION 31, TOWNSHIP 20 SOUTH, RANGE 9 WEST, W.M., 2220 FEET NORTH AND 200 FEET WEST FROM SE CORNER, SECTION 31 for domestic use for one family within the SW¼ SE¼, SECTION 31, TOWNSHIP 20 SOUTH, RANGE 9 WEST, W.M..

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 137-004-0080, 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.

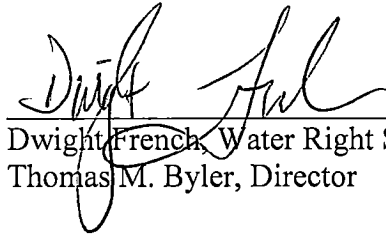
Conclusions of Law

The Director of the Water Resources Department concludes the portion of the right evidenced by Certificate 79309 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Certificate 79309 is cancelled.
2. The Department shall issue a new and superseding certificate to describe the remaining portion of the water right NOT cancelled by the provisions of this order.

Issued this 6 day of March, 2018.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director

Mailing date: MAR 06 2018