

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A PERFECTED AND DEVELOPED) ORDER
WATER RIGHT IN THE NAME OF CHESTER A. BEAMAN)

ORS 540.621 states that whenever the owner of a perfected and developed water right abandons a water right, the Water Resources Commission (Commission) shall enter an order canceling the right. The Water Resources Department (Department) received an affidavit from the owner of lands stating they have abandoned the water right appurtenant to their land and requesting the cancellation of the water right. The Department has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

On October 2, 2000, the Department received a notarized affidavit from Gillian Rose Beaman Seitz declaring she is the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 60471, State Record of Water Right Certificates. The affidavit further states that the right appurtenant to the property has been abandoned and requests cancellation of that portion of the perfected water right. Deed records show Chester A. Beaman as the record owner of land to which a portion of Certificate 60471 is appurtenant. By judgement and decree of the Circuit Court of the State of Oregon for Douglas County and as recorded with the Douglas County Clerk and Recorder of Conveyances, Gillian Rose Beaman Seitz was awarded real property consisting of the land to which a portion of the water right is appurtenant.

Certificate 60471 allows for the use of 0.01 cubic foot per second (cfs) from an unnamed spring, tributary to the Umpqua River, for domestic use for four families with a date of priority of August 19, 1977.

The portion of Certificate 60471 which has been abandoned is for the use of 0.005 cfs of water from an unnamed spring, tributary to the Umpqua River, for domestic use for three families within the SW¼ NW¼ of Section 19, Township 22 South, Range 7 West, W. M.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final 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

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.

Oregon Administrative Rule 690-017-0100 authorizes the Director of the Water Resources Department to issue an order, under authority delegated to him by the Commission, canceling a perfected and developed water right in accordance with the provisions of ORS 540.621 when so requested by notarized affidavit of the record owner of land to which a water right is appurtenant.

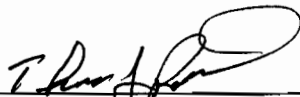
The Director of the Water Resources Department concludes that a portion of Certificate 60471 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

ORDER

IT IS ORDERED that the portion of the water right described by Certificate 60471 for the use of 0.005 cfs from an unnamed spring, tributary to the Umpqua River, for domestic use for three families within the SW¼ NW¼, Section 19, Township 22 South, Range 7 West, W. M., is canceled.

IT IS FURTHER ORDERED that Certificate 60471 is hereby canceled. The Department shall issue Certificate 76622, a new and superseding water right certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated **OCT 11 2000**



for Paul R. Cleary, Director
Oregon Water Resources Department