

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

In the Matter of the Partial Cancellation of the Water Right Evidenced by Certificate 61982)))))	FINAL ORDER
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Findings of Fact

1. The Department received an affidavit from Edwin A Hopper on September 13, 1989. In the affidavit Mr. Hopper said he owned the land and water right appurtenant to it, and requested a portion of the right be cancelled.
2. The portion of the water right requested to be cancelled is a portion of the water right evidenced by Certificate 61982, in the name of Salmon Valley Water Company. The right allows the use of water of A Well, in the Salmon River Basin, for Irrigation of 2.4 acres and Supplemental Irrigation of 2.4 acres. The amount of water is limited to an amount beneficially used and shall not exceed 0.11 cubic feet per second. The authorized point of appropriation is located in the NW¹/₄ SE¹/₄, Section 4, T 3 S, R 7 E, WM; 3020 feet South and 3770 feet East from the NW Corner, Section 4.
3. The authorized place of use is located as follows:

	PRIMARY	SUPPLEMENTAL
SE ¹ / ₄ SW ¹ / ₄	4.6 ACRES	2.4 ACRES
	SECTION 4	
NE ¹ / ₄ NW ¹ / ₄ 3.0 ACRES		
	SECTION 9	
TOWNSHIP 3 SOUTH, RANGE 7 EAST, WM		

4. The affidavit was filed in conjunction with the processing of Ground Water Application G-11924. The affidavit resolved a conflict with an existing water right and cleared the way for a portion of Permit G-11283, in the name of Edwin A. Hopper, to be issued for Primary Irrigation. Permit G-11283 was issued July 8, 1991.

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 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.

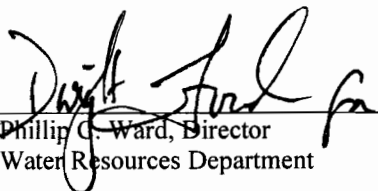
5. After Permit G-11283 was issued, it appears the Department failed to complete water right cancellation process by issuing the final order cancelling the portion of the water right requested to be cancelled.
6. ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under 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."
7. The owner of the portion of the water right described herein certified under oath that he has abandoned the water right and requested the right be cancelled. The right should be cancelled.

Now, therefore, it is ORDERED:

1. The portion of the water right described herein, requested to be cancelled, is cancelled and of no further force or effect.
2. A new certificate shall be issued describing the portion of the water right evidenced by Certificate 61982 not cancelled by this proceeding.

NOV 28 2008

Issued _____.



Phillip C. Ward, Director
Water Resources Department