

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF CANCELLATION OF A)
 PORTION OF A PERFECTED AND DEVELOPED) FINAL O R D E R
 WATER RIGHT IN THE NAME OF WALBURGA LACHNER)

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

The Department received notarized affidavits from the following individuals:

OWNER NAME	AFFIDAVIT DATE	TAX LOT	ACRES
John A. & Jeannine M. Dante	March 9, 1998	102	0.33
Jacqueline J. Wulk	March 6, 1998	107	0.17
Penelope J. Dunn	March 6, 1998	108	0.48
George & Effie I. Turner	March 2, 1998	115	0.26
Janice J. Monaco	March 11, 1998	119	0.23
Baker Town Square: Greg Sackos	April 12, 2001	500, 501, 502	2.42
Charles Peck	March 9, 1998	122	0.23

The affidavits state the individuals listed in the table are the owner, or the authorized agent of the owner, of lands and the water right appurtenant as evidenced by a portion of Certificate 75875, State Record of Water Right Certificates. Deed records indicate they are the record owners of land to

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.

which a portion of Certificate 75875 is appurtenant. The affidavits further state that the right appurtenant to the property has been abandoned and request cancellation of that portion of the perfected water right.

Certificate 75875 allows for the use of not more than one-fortieth of one cubic foot per second (2.53 cubic feet per second), from the Powder River, a tributary of the Snake River, for irrigation of 101.27 acres. The dates of priority are 1887 for Tract #1 and Tract #3; and July 5, 1902 for Tract #2.

The portion of Certificate 75875 which has been abandoned is for the use of 0.10 cubic foot per second (cfs) for irrigation of 4.12 acres on the following lands:

TRACT #1
SW¼ NE¼ 4.12 ACRES
SECTION 16
TOWNSHIP 9 SOUTH, RANGE 40 EAST, W. M.

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.

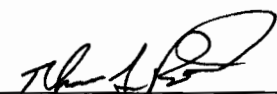
The Director of the Water Resources Department concludes that a portion of Certificate 75875 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

ORDER

IT IS ORDERED that the portion of the water right described by Certificate 75875 for the use of 0.10 cfs from the Powder River for irrigation of 4.12 acres located in the SW¼ NE¼, Section 16 Township 9 South, Range 40 East, W. M. is canceled. The Department shall issue a remaining right certificate for the use of water on those lands not canceled by this order.

IT IS FURTHER ORDERED that Certificate 75875 is hereby canceled. The Department shall issue Certificate 77030, 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 **AUG 09 2001** .



For Paul R. Cleary, Director
Oregon Water Resources Department