

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF CANCELLATION OF ENTIRE)
PERFECTED AND DEVELOPED WATER RIGHTS) FINAL ORDER
IN THE NAME OF THE STATE OF OREGON)

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 June 5, 2001, the Department received an affidavit from Deolinda G. Jones, the authorized representative of the Oregon Department of Transportation, stating the Department of Transportation is the owner of lands and the water rights appurtenant as evidenced by Certificates 73525, 73530, 73538, 73558 and 73568, State Record of Water Right Certificates. The affidavit further states the entirety of the rights appurtenant to the properties have been abandoned and requests the certificates be canceled.

Water Right Certificate 73525 allows for the use of 0.03 cubic foot per second (cfs) from a well in the Powder Basin, for irrigation of 6.85 acres located in Section 6, Township 9 South, Range 40 East, W.M. The date of priority is May 11, 1931.

Water Right Certificate 73530 allows for the use of 0.003 cfs from three wells in the Powder Basin, being 0.001 from each well, for irrigation of 0.30 acre located in Section 6, Township 9 South, Range 40 East, W.M. The date of priority is June 23, 1945.

Water Right Certificate 73538 allows for the use of 0.03 cfs from the Powder River, a tributary of the Snake River, for irrigation of 1.30 acres located in Section 6, Township 9 South, Range 40 East, W.M. The date of priority is 1893.

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.

Water Right Certificate 73558 allows for the use of 0.03 cfs from the Powder River, a tributary of the Snake River, for irrigation of 1.20 acres located in Section 3, Township 9 South, Range 40 East, W.M. The date of priority is November 17, 1899.

Water Right Certificate 73568 allows for the use of 0.075 cfs from the Powder River, a tributary of the Snake River, for irrigation of 3.00 acres located in Section 21, Township 8 South, Range 40 East, W.M. The date of priority is 1900.

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.

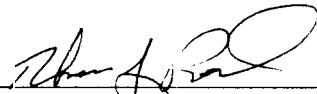
Oregon Administrative Rule 690-017-0100 authorizes the Director of the Water Resources Department to issue an order, under authority delegated to him by the Commission, canceling a perfected and developed water right in accordance with the provisions of ORS 540.621 when so requested by notarized affidavit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

The Director of the Water Resources Department concludes Certificates 73525, 73530, 73538, 73558 and 73568 have been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

ORDER

IT IS ORDERED that the entire water rights described by Certificates 73525, 73530, 73538, 73558 and 73568, are hereby canceled.

Dated AUG 09 2001.



for Paul R. Cleary, Director
Oregon Water Resources Department