

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF DANIEL F. MOOTER)

ORDER

The Water Resources Department (Department) received an affidavit from the owner of lands stating that they have abandoned a portion of the water right appurtenant to their land and request the cancellation of the certificate. Whenever the owner of a perfected and developed water right abandons the right, an order canceling the right shall be entered. The Water Resources Director has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

The Department received an affidavit from William A. Monahan, City Manager for the City of Tigard, 13125 SW Hall Blvd, Tigard, OR 97223. The affidavit states that the City is the owner of land and the water right as evidenced by a portion of Certificate 16736, State Record of Water Right Certificates. The affidavit further states, the right appurtenant to the property within Section 2, Township 2 South, Range 1 West, WM, has been abandoned and requests that portion of the certificate be canceled.

Certificate 16736 allows for the use of 0.02 cubic feet per second (cfs) of water from Fanno Creek, a tributary of the Tualatin River, for the irrigation of 1.6 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2 (as projected within Richardson DLC 38), Township 2 South, Range 1 West, WM, with a date of priority of October 4, 1944. The abandoned water right, a portion of Certificate 16736, is for the use of 0.004 cfs of water from Fanno Creek for irrigation of 0.34 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2.

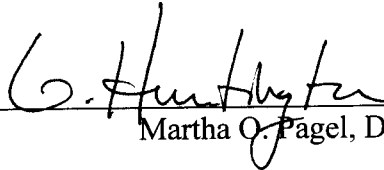
CONCLUSIONS OF LAW

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 (ORS 540.621).

ORDER

IT IS ORDERED that the right described by Certificate 16736 allowing for the use of 0.004 cfs of water from Fanno Creek, tributary to the Tualatin River, with a priority date of October 4, 1944, for the irrigation of 0.34 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 2 South, Range 1 West, WM, State Record of Water Right Certificates is canceled and a new certificate of water right describing that portion of the water right not canceled by the provisions of this order be issued.

Dated FEB 09 1998.


Martha O. Pagel, Director

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