

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

In the Matter of Special Order Volume 81,)
 Pages 360 – 362, Cancellation of a Portion)
 of Water Rights Evidenced by Certificates) **CORRECTING FINAL ORDER**
 83571 and 76714)

Authority

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.

Findings of Fact

1. On July 8, 2010, the Department issued an order cancelling 0.25 acre of Certificates 83571 and 76714. The order was recorded at Special Order Volume 81, Pages 360 – 362.
2. The order contains scrivener’s errors in the point of diversion identified and the quantity by which Certificate 83571 would be reduced. The incorrect point of diversion was identified as point of diversion #1 and the incorrect quantities listed in the cancellation order were:

PRIORITY DATE	SEASON 1	SEASON 2	SEASON 3	DUTY
	4/1 – 4/30 & 10/1 – 10/31	5/1 – 5/14 & 9/16 -9/30	5/15 – 9/15	
October 31, 1900	0.003 CFS	0.004 CFS	0.006 CFS	2.47 AF
December 2, 1907			0.002 CFS	

3. The **corrected** point of diversion is point of diversion #11 and the **corrected quantities** are listed in the table below:

PRIORITY DATE	SEASON 1	SEASON 2	SEASON 3	DUTY
	4/1 – 4/30 & 10/1 – 10/31	5/1 – 5/14 & 9/16 -9/30	5/15 – 9/15	
October 31, 1900	0.003 CFS	0.004 CFS	0.005 CFS	2.36 AF
December 2, 1907			0.002 CFS	

Now, therefore, it is ORDERED:

1. The order cancelling 0.25 acre of Certificate 83571 and 76714, recorded at Special Order Volume 81, Pages 360 – 362, is amended to correctly describe the amount by which Certificate 83571, at point of diversion #11, is reduced as listed in Finding of Fact #3.
2. All other provisions of the order are unchanged.

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 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.

Dated at Salem, Oregon this 15 day of January, 2013.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: JAN 16 2013