

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF CANCELLATION )  
 OF A PORTION OF AN ADJUDICATED )  
 WATER RIGHT EVIDENCED BY THE ) FINAL ORDER  
 UMATILLA RIVER DECREE, IN THE )  
 NAME OF J. E. SMITH, UMATILLA )  
 COUNTY )

**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 September 7, 2010, the Department received an affidavit from Robert D. Forth, 40151 Reith Road, Pendleton, OR, 97801, stating he is the owner of lands and the water right appurtenant as evidenced by the water right adjudicated in the name of J. E. Smith, Umatilla River Decree, as tabulated at Volume 3, Page 241. The affidavit further states a portion of the water right appurtenant to the property has been abandoned and requests that portion be canceled.
2. Pursuant to OAR 690-017-002(a), the Department has determined that Robert D. Forth is the recorded owner, as established by county deed records, of property to which a portion of the water right evidenced by the Umatilla River Decree in the name of J. E. Smith is appurtenant.
3. The water right adjudicated in the name of J. E. Smith under the Umatilla River Decree allows for the use of up to 0.77 cubic feet per second (cfs) of water from the Umatilla River for irrigation of 61.25 acres. The priority date is 1902.
4. The portion of the water right which has been abandoned is for the use of 0.22 cfs for irrigation of 17.50 acres located as follows:

| TWP    | RNG  | MER | SEC | Q-Q   | ACRES |
|--------|------|-----|-----|-------|-------|
| 2 N    | 31 E | WM  | 16  | SW NE | 11.75 |
| 2 N    | 31 E | WM  | 16  | SE NW | 5.75  |
| TOTAL: |      |     |     |       | 17.50 |

This is a final order in other than 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.

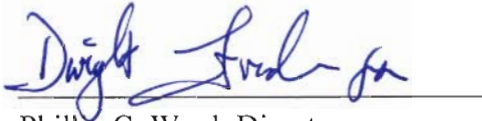
**Conclusions of Law**

The Director of the Water Resources Department concludes that a portion of the water right evidenced by the right adjudicated in the name of J. E. Smith, Umatilla River Decree, as tabulated at Volume 3, Page 241, has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

**Now, therefore, it is ORDERED:**

The water right appurtenant to the lands evidenced by the right adjudicated in the name of J. E. Smith, Umatilla River Decree, as tabulated at Volume 3, Page 241, and described in Findings of Fact #4, is canceled and the Department's records shall be modified accordingly.

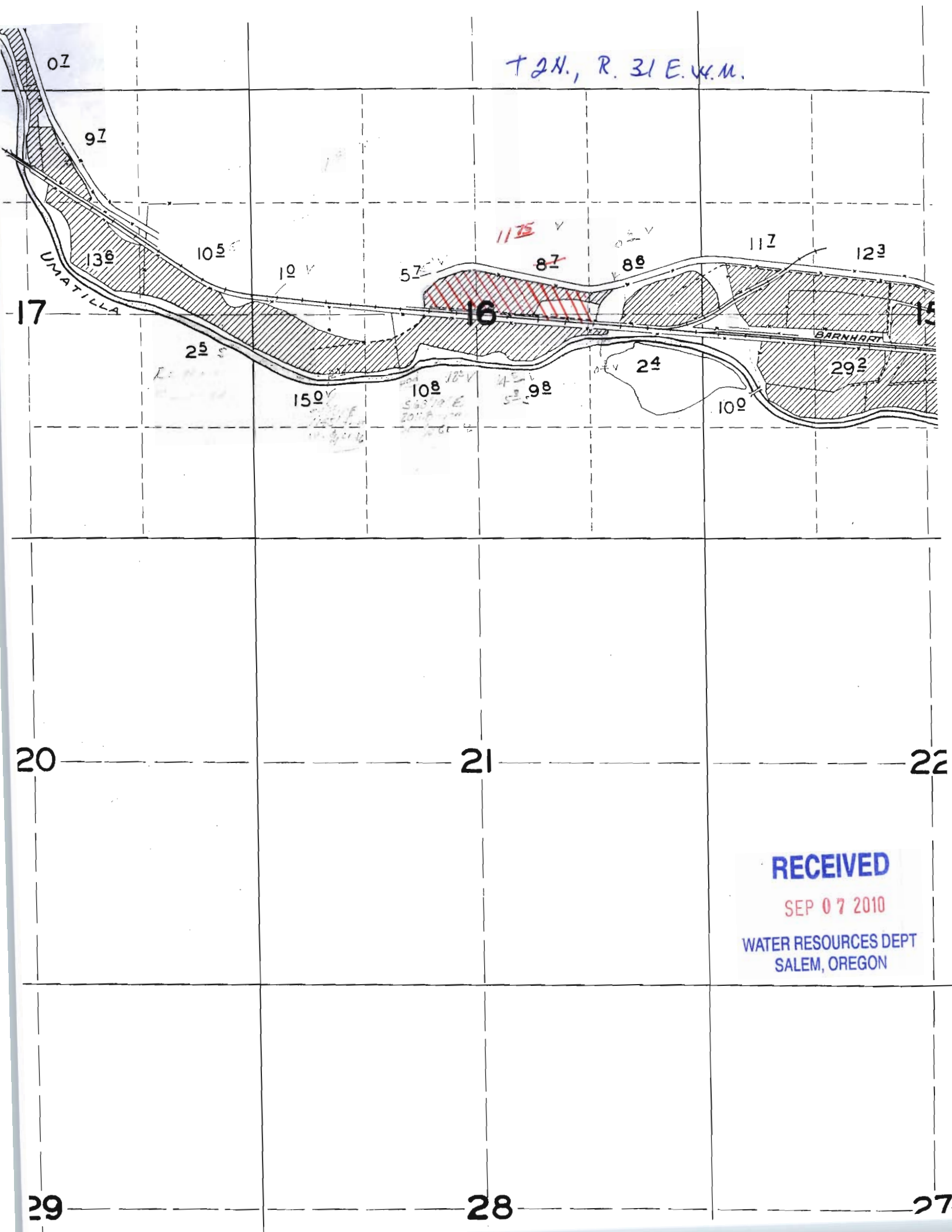
Dated at Salem, Oregon this 23 day of September, 2010.



Phillip C. Ward, Director

Mailing Date: SEP 27 2010

T2N., R. 31 E. W.M.



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SEP 07 2010

WATER RESOURCES DEPT  
SALEM, OREGON