

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JEFFERSON COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A PERFECTED AND) FINAL ORDER
DEVELOPED WATER RIGHT IN THE NAME)
OF NORTH UNIT IRRIGATION DISTRICT)

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 FACTS

1. On April 19, 2010, the Department received an affidavit from Denver L. and Laurinda K. Sensibaugh, 372 NE Bean Dr., Madras, OR 97741, stating they are the owners of lands and the water right appurtenant as evidenced by Certificate 72283, State Record of Water Right Certificates. The affidavit further states a portion of the water right appurtenant to the property has been abandoned and requests the certificate be canceled.
2. The affidavit states a portion of the water right appurtenant to the property has been abandoned and requests the certificate be cancelled.
3. The affidavit contains the signature of the district manager concurring to the cancellation of a portion of the water right.
4. Pursuant to OAR 690-017-002(a), the Department has determined that Denver L. and Laurinda K. Sensibaugh are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 72283 is appurtenant.
4. Certificate 72283 allows for the use of 200.0 cubic feet per second (cfs) of water from the Crooked River, a tributary of the Deschutes River for irrigation. The date of priority is September 18, 1968.
5. The portion of Certificate 72283 which has been abandoned is for the use of irrigation of 0.5 acres and is further described as followed:

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<p style="text-align:center">NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW</p> <p>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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.</p>

IRRIGATION								
TWP	RNG		MER	SEC	1/4	1/4	ACRES	
11	S	14	E	WM	6	NE	SW	0.20
11	S	14	E	WM	6	NW	SW	0.30
Total:								0.50

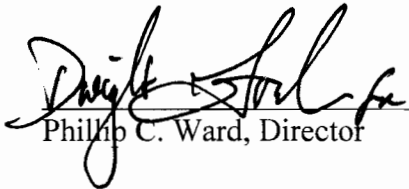
CONCLUSIONS OF LAW

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 72283 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

NOW, THEREFORE, IT IS ORDERED:

1. Water right certificate 72283 is modified. The Department will issue a superseding certificate describing the right when it determines that is necessary for record keeping. The perfected portion of certificate 72283 is reduced by 0.50 acres.

Dated at Salem, Oregon this 7 day of May, 2010.


 Phillip C. Ward, Director

Mailing Date: MAY 18 2010