

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CLACKAMAS COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A WATER RIGHT IN THE) ORDER
NAME OF GEORGE KYLLO)

The Water Resources Department (Department) received an affidavit from the owners of lands stating that they have abandoned the water right appurtenant to their land and requesting 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 Lee F. and Susan D. Carothers, owners of Lot 15, Fliers Haven. The affidavit states they are the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 35520, State Record of Water Right Certificates. The affidavit further states that the portion of the right appurtenant to their property has been abandoned and requests that portion of the certificate be canceled.

Certificate 35520 allows for the use of 1.11 cubic feet per second (cfs) of water from a well, a tributary of the Molalla River, for irrigation of 138.0 acres with a date of priority of June 8, 1965.

The portion of Certificate 37391 which has been abandoned is for the use of 0.012 cfs of water from a well, a tributary of the Molalla River, for the irrigation of 1.5 acres within the SW¼ SW¼ of Section 7 (as projected within DLC 41), Township 5 South, Range 2 East, W.M.

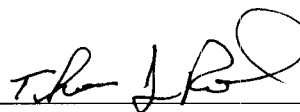
CONCLUSIONS OF LAW

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 35520, State Record of Water Right Certificates, allowing for the use of 0.012 cfs of water from a well, a tributary of the Molalla River, for the irrigation of 1.5 acres within the SW¼ SW¼ of Section 7 (as projected within DLC 41), Township 5 South, Range 2 East, W.M. with a date of priority of June 8, 1965, 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 7/8/98.


for Martha O. Pagel, Director