

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
BAKER COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A PERFECTED AND) FINAL O R D E R
DEVELOPED WATER RIGHT IN THE NAME)
OF MILES LEE AND E. A. VAN SICKLIN)

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 December 6, 2002, the Department received an affidavit from Douglas L. and Carolyn R. Crawford, P.O. Box 106, Oxbow, Oregon, stating they are the owners of lands and the water right appurtenant as evidenced by Certificate 75492, 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. On January 2, 2003, the Department received an affidavit from Larry and Mary McCalden, Route 1, Box 123G, Baker City, Oregon, stating they are the owners of lands and the water right appurtenant as evidenced by Certificate 75492, 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.
3. Pursuant to OAR 690-017-002(a), the Department has determined that Douglas L. and Carolyn R. Crawford and Larry and Mary McCalden are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 75492 is appurtenant.
4. Certificate 75492 allows for the use of 10.51 cubic feet per second (cfs) of water from Pine Creek, tributary to Powder River; being 10.41 cfs for irrigation of 832.83 acres and 0.10 cfs for domestic use. The date of priority is August 22, 1910.
5. The portion of Certificate 75492 which has been abandoned is for the use of 0.18 cfs for irrigation of 14.83 acres and domestic use; being 0.12 cfs for 9.83 acres and 0.06 cfs for 5.0 acres located as follows:

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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.

TWP	RNG	MER	SEC	1/4	1/4	DLC	LOT	ACRES	TAX LOT	RECORD OWNER	
8	S	39	E	W.M.	18	NW	SE		9.83	500 & 501	CRAWFORD
8	S	39	E	W.M.	18	SE	SE		5.00	1700	McCALDEN

CONCLUSIONS OF LAW

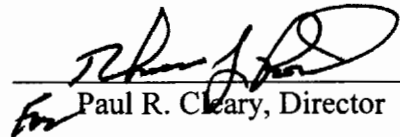
The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 75492 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

ORDER

IT IS ORDERED:

1. Certificate 75492 is canceled.
2. The Department shall issue Certificate 80351, a new and superseding certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated JUN 19 2003 .



 Paul R. Cleary, Director