

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT IN) ORDER
THE NAME OF OAKHILL POTATO FARMS)

The Water Resources Department (Department) received an affidavit from the owner of lands stating they have abandoned a portion of the water right appurtenant to their land and requests 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 Donald E. Clark. The affidavit stated he is the owner of the land and the water right as evidenced by a portion of Certificate 47428. The affidavit further states, the right appurtenant to 10.3 acres within the NE 1/4 NW 1/4 and NW 1/4 NW 1/4, Section 16, Township 7 South, Range 1 West, WM has been abandoned and requests that portion of the certificate be canceled.

State Record of Water Rights Certificate number 47428 allows for the use of 13.0 acre feet of stored water only for irrigation of 26.3 acres and supplemental irrigation of 5.2 acres of land within Sections 9 and 16, Township 7 South, Range 1 West, WM, with a date of priority of August 31, 1962.


CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under an 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 47428 allowing for the use of water from two reservoirs constructed under Permit R-2992, with a priority of August 31, 1962, for the irrigation of 10.3 acres within the N 1/2 NW 1/4, Section 16, Township 7 South, Range 1 West, WM, State Record of Water Right Certificates 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 February 28, 1997.



Martha O. Pagel, Director
Special Order Volume 51, Page 98.