

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

KLAMATH COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A WATER RIGHT IN THE) FINAL O R D E R
NAME OF SYLVIA G. BRUCE)

The Water Resources Department (Department) received an affidavit from the owner 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 Sylvia G. Bruce stating she is the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 9711, State Record of Water Right Certificates. The affidavit further states that a portion of the right appurtenant to the property has been abandoned and requests that portion of the certificate be canceled.

Certificate 9711 allows for the use of 1.00 cubic feet per second (cfs) of water from an Unnamed Spring, tributary to Roberson Spring Creek, for domestic and manufacturing purposes with a date of priority of April 26, 1928.

The portion of Certificate 9711 which has been abandoned is for the use of 0.99 cfs of water from an Unnamed Spring, a tributary of Roberson Spring Creek, for manufacturing purposes, being within the NW¹/₄ NE¹/₄ and NE¹/₄ NW¹/₄ of Section 18, Township 38 South, Range 15 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).

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final 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.

ORDER

IT IS ORDERED that the right described by Certificate 9711, State Record of Water Right Certificates, allowing for the use of 1.00 cfs of water from an Unnamed Spring, a tributary of Roberson Spring Creek, for manufacturing and domestic purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 38 South, Range 15 East, W.M., with a date of priority of April 26, 1928, 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 FEB 11 2000.



For Martha O. Pagel, Director

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