

**BEFORE THE WATER RESOURCES DIRECTOR
OF THE
STATE OF OREGON

BAKER COUNTY**

In the Matter of Cancellation of a Portion)
of a Perfected and Developed Water Right)
In the Name of William Pollman and) **FINAL ORDER**
William Wendt – Certificate 49889)

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 Fact

1. The Department received affidavits from the landowners listed in Table 1., stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 49889, State Record of Water Right Certificates. The affidavits further state a portion of the water right appurtenant to their property has been abandoned and request the certificate be canceled.
2. Pursuant to OAR 690-017-002(a), the Department has determined that the landowners listed in Table 1. are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 49889 is appurtenant.
3. Certificate 49889 allows for the use of up to 0.49 cubic foot per second (cfs) of water from a well near Baldock Slough for the irrigation of 38.9 acres. The priority date is July 20, 1929.
4. The portion of Certificate 49889 which has been abandoned is for the use of 0.39 cfs for irrigation of 30.88 acres described in Table 1.

TABLE 1. - LANDOWNERS						
NAME	TWP	RNG	SEC	1/4 - 1/4	TAX LOT	ACRES
Greg Sackos	9 S	40 E	16	SW NE	500, 501, 502	3.86
Bootsma Investment	9 S	40 E	16	SW NE	800	1.45
Meldik Corp	9 S	40 E	16	SW NE	900	0.13
Mel & Marlene Cross	9 S	40 E	16	SW NE	1000	0.46
Oregon Dept. of Transportation	9 S	40 E	16	SE NE	Highway	20.87
Baker County Chamber of Commerce	9 S	40 E	16	SE NE	800	0.31
Giles Gas	9 S	40 E	16	SE NE	400, 401, 600	3.50
Windmill Enterprises	9 S	40 E	16	SE NE	500	0.30
TOTAL:						30.88

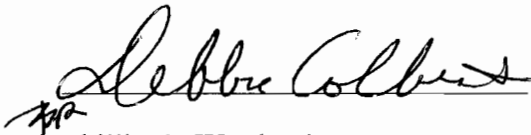
Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 49889 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

1. Certificate 49889 is canceled.
2. The Department shall issue Certificate 82445, 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 at Salem, Oregon this 8th day of August, 2006.


Phillip C. Ward, Director

Mailing Date: AUG 17 2006