

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A WATER RIGHT IN THE) FINAL O R D E R
NAME OF EMMA H. CUMMINGS)

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 Tammy S. Henderson stating she is the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 126, 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.

Water Right Certificate 126 allows for the use of 0.10 cubic feet per second (cfs) of water from Willow Creek and Hinton Creek, tributary to Willow Creek, for irrigation purposes with a date of priority of 1906.

The portion of Certificate 126 which has been abandoned is for the use of 0.002 cfs of water from Willow Creek and Hinton Creek, tributary to Willow Creek, for irrigation of 0.10 acres within Tax Lot 5801, SE¼ SE¼ of Section 27, Township 2 South, Range 26 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

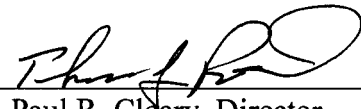
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

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 126, State Record of Water Right Certificates, for the use of 0.002 cfs of water from Willow Creek and Hinton Creek, tributary to Willow Creek, for irrigation of 0.10 acres within Tax Lot 5801, SE¼ SE¼ of Section 27, Township 2 South, Range 26 East, W.M., with a date of priority of 1906, 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 AUG 25 2000



For Paul R. Cleary, Director