

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

In the Matter of Cancellation of a Portion)
of a Perfected and Developed Water)
Right Evidenced by Water Right) **FINAL ORDER**
Certificate 40236)
)

Findings of Fact

1. On January 28, 2009, the Department received an affidavit from J. Edward Henricks, authorized agent Weyerhaeuser Company, stating Weyerhaeuser Company is owner of the land and water right appurtenant to it, that the water right is abandoned, and requests the water right be cancelled.
2. The right to be cancelled was confirmed by a decree of the Circuit Court of the State of Oregon for Polk County as evidenced by a portion of Certificate 40236. The decree is recorded in the Order Record of the Water Resources Director in Volume 17, at Page 216. The date of priority is 1905.
3. The right to be cancelled allowed the storage of up to 18.5 acre feet of water from the North Fork Ash Creek, a tributary of Ash Creek, in a log pond. The authorized point of diversion was located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected in Lewis DLC 67, Section 33, T 7 S, R 5 W, WM; 2100 feet South and 1100 feet East from the NW Corner, Lewis DLC 67.
4. The log pond was located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected in Lewis DLC 67, Section 33, T 7 S, R 5 W, WM.
5. The remainder of the water right evidenced by Certificate 40236 was modified by an order of the Water Resources Director, entered August 30, 1999, at Special Order Volume 53, Page 1168, approving Transfer Application 7516.
6. ORS 540.621 provides: "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."

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

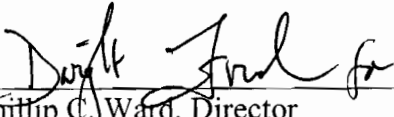
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

7. The portion of the water right requested to be cancelled should be cancelled.

Now, therefore, it is ORDERED:

The portion of the water right requested to be cancelled is cancelled and of no further force or effect.

Issued FEB 06 2009.



Phillip C. Ward, Director
Water Resources Department