

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

IN THE MATTER OF A PARTIAL CANCELLATION OF )  
 WATER RIGHT CERTIFICATE 6816, IN THE NAME OF F.D. ) FINAL ORDER  
 BARON, YAMHILL COUNTY )

**Authority**

Oregon Revised Statute 540.621 and Oregon Administrative Rules 690-17-0100 direct 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. On May 24, 2024, the Department received an affidavit for voluntary cancellation of a portion of a water right certificate signed by Brian Naffin, manager of Austin Industries LLC, on behalf of (affiant), with a mailing address of 3113 Crestview Drive, Newberg, OR 97132, asserting Aspen Way West LLC, is the owner of the land on a portion of the appurtenant water right evidenced by Certificate 6816. Austin Industries, LLC is the registered agent for Aspen Way West, LLC.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Aspen Way West LLC is the recorded owner, as established by county deed records, of the lands on the greater portion of the water right evidenced by Certificate 6816.
3. Certificate 6816 is a riparian right that allows for the use of the waters from Mill Creek [Hess Creek] for the purposes of stock and domestic use in an "amount which may be reasonably and beneficially used for said purposes." The riparian right passes through the following locations:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot
3 S	2 W	WM	8	SW NE	1302
3 S	2 W	WM	8	SW NE	1400
3 S	2 W	WM	8	SW NE	2190
3 S	2 W	WM	8	SW NE	2100
3 S	2 W	WM	8	SW NE	1900
3 S	2 W	WM	8	SW NE	5500

**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 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.

Twp	Rng	Mer	Sec	Q-Q	Tax Lot
3 S	2 W	WM	8	SW NE	5600
3 S	2 W	WM	8	SW NE	5700
3 S	2 W	WM	8	NW SE	5700
3 S	2 W	WM	8	NW SE	5500
3 S	2 W	WM	8	NW SE	5800

4. The affiant requests cancellation of the portion of the riparian right that passes through the following locations:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot
3 S	2 W	WM	8	SW NE	5500
3 S	2 W	WM	8	SW NE	5600
3 S	2 W	WM	8	SW NE	5700
3 S	2 W	WM	8	NW SE	5700
3 S	2 W	WM	8	NW SE	5500
3 S	2 W	WM	8	NW SE	5800

**Conclusions of Law**

The Director of the Water Resources Department concludes the portion of the right evidenced by Certificate 6816 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

**Now, therefore, it is ORDERED:**

1. Certificate 6816 is cancelled.
2. The Department shall issue a new and superseding Certificate 97789 to describe the remaining portion of the water right NOT cancelled by the provisions of this order.

Dated in Salem, Oregon on JUN 07 2024

Dwight French, Water Right Services Administrator, for  
 Douglas E. Woodcock, Acting Director  
 Oregon Water Resources Department

Mailing date: JUN 07 2024