

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

IN THE MATTER OF A PARTIAL CANCELLATION OF)
 WATER RIGHT CERTIFICATE 20450, IN THE NAMES OF F.) FINAL ORDER
 E. WEINERT, MARION AND CLACKAMAS 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 December 2, 2019, the Department received an AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF A PORTION OF A WATER RIGHT CERTIFICATE (Affidavit) signed by Jon Sweningson and Marla Sweningson, 24884 Butteville Road NE, Aurora, Oregon, 97002, stating they are the owners of the portion of the land and the appurtenant water right evidenced by Certificate 20450.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Jon Sweningson and Marla, LLC are the recorded owners, as established by county deed records, of the portion of the land and water right referenced in the Affidavit.
3. Certificate 20450 allows for the use of 0.098 cubic foot per second (cfs) of water from an unnamed stream, tributary of the Willamette River, for irrigation of 7.8 acres. The date of priority is March 15, 1949.
4. The affidavit requests cancellation of 2.5 acres of irrigation and the use of 0.031 cfs of water from the unnamed stream, at the locations identified in the table below:

Twp	Rng	Mer	Sec	DLC	Q-Q	Tax Lot	Acres
3 S	1 W	WM	28	48	SW SW	700	0.1
3 S	1 W	WM	28	48	SE SW	700	2.4
Total							2.5

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.

Conclusions of Law

The Director of the Water Resources Department concludes the portion of the right evidenced by Certificate 20450 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Certificate 20450 is cancelled.
2. The Department shall issue a new and superseding certificate to describe the remaining portion of the water right NOT cancelled by the provisions of this order.

Dated in Salem, Oregon on FEB 06 2020



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: FEB 07 2020