

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

IN THE MATTER OF A PARTIAL CANCELLATION OF)
WATER RIGHT CERTIFICATE 87956, IN THE NAME OF) **FINAL ORDER**
BROADMEAD, LLC.)

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 October 21 & 25, 2019, the Department received an AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF A PORTION OF A WATER RIGHT CERTIFICATE (Affidavits) signed by James D. Harper and Heidi L. Harper, members of Broadmead, LLC, 1150 NW Quimby Street, Unit 334, Portland, OR 97209, stating Broadmead, LLC is the owner of the land and the appurtenant water right evidenced by Certificate 87956.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Broadmead, LLC is the recorded owner, as established by county deed records, of the portion of the land and water right referenced in the Affidavits.
3. Certificate 87956 allows for the use of water from Salt Creek and a Reservoir, tributaries to South Yamhill River, in the amounts of 1.0 cubic foot per second (cfs) and 17.5 Acre-Feet, for nursery uses of 31.6 acres. The date of priority is September 10, 1996.
4. The affidavits request cancellation of 10.85 acres of nursery use and the use of 0.18 cfs of water from the Salt Creek, at the location identified in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	5 W	WM	11	NE SW	4.70
6 S	5 W	WM	11	NW SW	0.55
6 S	5 W	WM	14	NW NW	5.60
TOTAL					10.85

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.

5. Certificate 87956 is a deficient water right; it authorizes a rate of water that is less than the full rate allowed at 0.15 cubic foot per second (cfs) per acre. The total rate of water on the certificate (1.0 cfs) divided by the number of remaining acres (20.75 ac) after partial cancellation of Certificate 87956 as described in Findings of Fact 4 above, does not exceed the authorized limit of 0.15 cfs per acre. Therefore, the cancellation of 10.85 acres can be allowed without reducing any rate of water.

Conclusions of Law

The Director of the Water Resources Department concludes the portion of the right evidenced by Certificate 87956 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Certificate 87956 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 NOV 13 2019



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

Mailing date: NOV 13 2019