

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

IN THE MATTER OF A PARTIAL CANCELLATION OF)
WATER RIGHT CERTIFICATE 95122, IN THE NAME OF) FINAL ORDER
BROADMEAD LLC, POLK 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 February 6, 2021, and April 29, 2021, the Department received AFFIDAVITS FOR THE VOLUNTARY CANCELLATION OF A PORTION OF A WATER RIGHT CERTIFICATE signed by Jose Antonio Juarez Adame and Veronica Juarez Lemus, 8610 Broadmead Road, Amity, OR 97101, stating they are owners of a portion of the land appurtenant to the water right evidenced by Certificate 95122.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Jose Antonio Juarez Adame and Veronica Juarez Lemus are the recorded owners, as established by county deed records, of the land and water right referenced in the Affidavit.
3. Certificate 95122 allows for the use of 2.65 cubic foot per second (cfs) of water, further limited to 0.37 cfs from POD B, from Salt Creek and a Reservoir (constructed under Permit No. R-1405), both tributary of the South Yamhill River, for irrigation of 294.9 acres. The date of priority is March 28, 1950.

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.

4. The February 6, 2021 affidavit requests cancellation of the reservoir as a source of water for irrigation of 21.05 acres at the location identified in the table below:

Twp	Rng	Mer	Sec	DLC	Q-Q	Acres	Tax Lot
6 S	5 W	WM	11	47	NE SW	0.70	905
6 S	5 W	WM	11	47	NW SW	10.95	905
6 S	5 W	WM	11	47	SW SW	7.30	905
6 S	5 W	WM	11	47	SE SW	1.7	905
6 S	5 W	WM	14	47	NW NW	0.40	905
TOTAL						21.05	

5. The April 29, 2021 affidavit requests cancellation of the authorized Additional Point of Diversion B, described below, for irrigation of the place of use listed in the table in Finding of Fact #4, above:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	11	SE NE	ADDITIONAL (POD B) - 275 FEET SOUTH AND 3265 FEET EAST FROM THE SW CORNER, DLC 67

6. The use of water from Salt Creek, tributary to the South Yamhill River for irrigation of the 21.05 acres at the location described in Finding of Fact #4, above, will be limited to 0.19 cubic foot per acre [2.65 cfs/294.9 acres x 21.05 acres = 0.19 cfs].

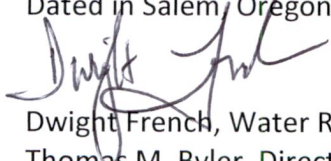
Conclusions of Law

The Director of the Water Resources Department concludes the portion of the right evidenced by Certificate 95122 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Certificate 95122 is cancelled.
2. The Department shall issue a new and superseding certificate to describe the remaining portion of the water right NOT modified by the provisions of this order
3. The Department shall issue a new and superseding certificate to describe the portion of the certificate modified by the cancellation of the reservoir as a source of water and cancellation of Point of Diversion B for irrigation of the place of use listed in the Finding of Fact #4, above.

Dated in Salem, Oregon on MAY 11 2021



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

Mailing date: MAY 11 2021