

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

IN THE MATTER OF A PARTIAL CANCELLATION OF )  
 WATER RIGHT CERTIFICATE 94682, 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 May 28, 2020, the Department received an AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF A PORTION OF A WATER RIGHT CERTIFICATE (Affidavit) signed by James Harper, member 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 94682.
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 land and water right referenced in the Affidavit.
3. Certificate 94682 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 319.0 acres. The date of priority is March 28, 1950.
4. The affidavit requests cancellation 24.1 acres of irrigation at the location identified in the table below:

Twp	Rng	Mer	Sec	G-Lot	Q-Q	Acres
6 S	5 W	WM	11		NE SE	2.0
6 S	5 W	WM	11	4	NW SE	6.9
6 S	5 W	WM	11	5	SW SE	8.8
6 S	5 W	WM	11	6	SE SE	3.2
6 S	5 W	WM	14	2	NE NE	2.0

**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	G-Lot	Q-Q	Acres
6 S	5 W	WM	14	3	NW NE	1.2
TOTAL						24.1

5. Certificate 94682 is a deficient water right; it authorizes a rate of water that is less than the full rate allowed at ONE-EIGHTIETH of one cubic foot per second (cfs) per acre. The total rate of water on the certificate (2.65 cfs) divided by the number of remaining acres (294.9) after partial cancellation of Certificate 94682 as described in Findings of Fact 4 above, does not exceed the authorized limit of ONE-EIGHTIETH of one cubic foot per second (cfs) per acre. Therefore, the cancellation of 24.1 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 94682 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

### Now, therefore, it is ORDERED:

1. Certificate 94682 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 JUL 14 2020

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

Mailing date: JUL 14 2020