

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK RIVER COUNTY

IN THE MATTER OF CANCELLATION OF AN )  
 ENTIRE PERFECTED AND DEVELOPED )  
 WATER RIGHT EVIDENCED BY ) FINAL ORDER  
 CERTIFICATE 83201 IN THE NAME OF )  
 MARVIN JOHN DERAEEVE AND M. EDWARD )  
 DERAEEVE – POLK COUNTY )

**Authority**

ORS 540.621 directs 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 April 19, 2010, the Department received an affidavit from Jerry and Kristen Domes, 8380 Bethel Road, Rickreall, OR, 97371, stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 83201, State Record of Water Right Certificates. The affidavit further states the entire water right appurtenant to the property has been abandoned and requests the certificate be cancelled.
2. Pursuant to OAR 690-017-0100, the Department has determined that Jerry and Kristen Domes are the recorded owners, as established by county deed records, of property to which the water right evidenced by Certificate 83201 is appurtenant.
4. Certificate 83201 allows for the use of 47.0 ACRE FEET (af) of water from an unnamed reservoir constructed under Permit R-10482, tributary of Ash Swale, for supplemental irrigation. The date of priority is January 5, 1985.
5. The entirety of the water right evidenced by Certificate 83201 which has been abandoned is located as follows:

TWP	RNG	MER	SEC	Q-Q	DLC	ACRES
6 S	4 W	W.M.	16	SW NW	37	1.8
6 S	4 W	W.M.	16	NW SW	37	16.6
6 S	4 W	W.M.	16	SW SW	37	15.6
6 S	4 W	W.M.	17	SE NE	37	2.4
6 S	4 W	W.M.	17	NE SE	37	24.2
6 S	4 W	W.M.	17	SE SE	37	19.1
TOTAL:						79.7

This is a final 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 entire right evidenced by Water Right Certificate 83201 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

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

Certificate 83201 is cancelled.

Dated at Salem, Oregon this 11<sup>th</sup> day of AUGUST, 2010.

*Phillip C. Ward* for

Phillip C. Ward, Director

Mailing Date: AUG 11 2010