

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

In the Matter of Cancellation of a Portion of)
Perfected and Developed Water Right Certificate)
15564, in the name of Clarence Asche, Yamhill)
County)

FINAL ORDER

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 January 2, 2013, the Department received affidavits from Stephen C. Palmer and Tomina M. Carter, 9950 Meadow Loop Road, Newberg, Oregon and from John and Anna Raineri, 10000 Meadow Loop Road, Newberg, Oregon, 97132, stating they are the owners of land and the water right appurtenant as evidenced by Certificate 15564. The affidavits request a portion of the certificate be cancelled.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Stephen C. Palmer and Tomina M. Carter and John and Anna Raineri are the recorded owners, as established by county deed records, of a portion of the water right evidenced by Certificate 15564.
3. Certificate 15564 allows for the use of not more than 0.40 cubic foot per second (cfs) from Chehalem Creek, tributary to Willamette River, for irrigation of 31.5 acres. The date of priority is February 23, 1935.
4. The portion of Certificate 15564 which has been abandoned is for the use of 0.03 cfs of water for irrigation of 2.2 acres located as follows:

TWP	RNG	MER	SEC	Q-Q	DLC	TAX LOT	ACRES	LAND OWNER
3 S	2 W	W.M.	19	SE SW	40	101	1.2	RAINERI
3 S	2 W	W.M.	19	SE SW	40	102	1.0	PALMER &b CARTER
TOTAL:							2.2	

Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 15564 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

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 either 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.

Now, therefore, it is ORDERED:

1. Certificate 15564 is canceled.
2. The Department shall issue Certificate 87882, a new a superseding certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated at Salem, Oregon this 7th day of FEBRUARY, 2013.



Dwight French Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing date: FEB 07 2013