

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

IN THE MATTER OF A PARTIAL CANCELLATION OF)
 WATER RIGHT CERTIFICATE 35372, IN THE NAME OF) FINAL ORDER
 HENRY SCHMIDT, MARION 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 October 22, 2018, the Department received an AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF A PORTION OF A WATER RIGHT CERTIFICATE (Affidavit) from Steve Powers, City Manager, on behalf of the City of Salem, 555 Liberty St SE, Salem, OR 97301, stating they are the owners of a portion of the land and a portion of the appurtenant water right evidenced by Certificate 35372.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined the City of Salem is the recorded owner, as established by county deed records, of the portion of the land and water right evidenced by Certificate 35372 that is subject to the Affidavit.
3. Certificate 35372 allows for the use of not more than 0.43 cubic foot per second (cfs) of water, from a well within the Willamette River Basin. The date of priority is April 10, 1964.
4. The affidavit requests cancellation of 0.63 cfs of water from the well for 5 acres of irrigation at the location identified in the table below:

Twp	Rng	Mer	Sec	DLC	Q-Q	Tax Lot	Acres
6 S	3 W	WM	34	42	SW NW	700	1.9
6 S	3 W	WM	34	42	SW NW	900	0.4
6 S	3 W	WM	34	42	SE NW	700	2.7
TOTAL							5.0

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.

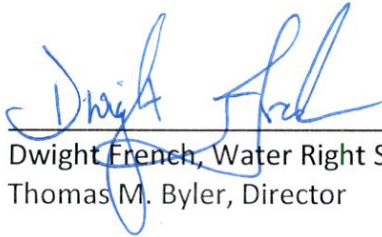
Conclusions of Law

The Director of the Water Resources Department concludes the portion of the right evidenced by Certificate 35372 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Certificate 35372 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 at Salem, Oregon on NOV 08 2018



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

Mailing date: NOV 09 2018