



## Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

**VOLUNTARY CANCELLATION** is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

**VOLUNTARY DIMINUTION** is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: This partial cancelation is being made contingent upon final approval of Transfer Application T-14547. This is cancelling less senior water rights dated 1867 and under certificate 45110 that are in conflict with Transfer Application T-14547. In exchange, T-14547 will transfer more senior water rights dated 1864 and certificate 52577 to the same place of use in the amount of 1.82 acres.

### Certificate of Water Right Information:

Certificate Number: 45110

Issued for use within the State of Oregon, County of UNION.

Issued in the name of: R.A. CREIGHTON.

Date of priority: 1867

Rate or Volume on entire certificate: 26.7x0.025=0.6675 cfs

one-fortieth of a cubic foot per second per acre, three acre feet per acre in any irrigation season (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: Catherine Creek.

Use(s) of water listed on certificate: Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 26.7, supplemental IR \_\_\_\_\_.

### Statements of Oath:

I/We (or authorized agent), Ace and Macey Clark,

residing at 67399 Union Junction Lane Union, OR 97883,

with a mailing address of (if different) N/A,

and a telephone number of 541-974-3274, being first duly sworn depose and say:

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**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

1. I/We are the legal owners of property appurtenant to all ☐ **or** ☒ a portion (**check one box**) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [*must include at a minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)*].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here: T4S, R39E, Sec24, NW1/4 NW1/4, TL 1600.

2. I/We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # \_\_\_\_.

☒ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # 45110.

☐ voluntary diminution of the ENTIRE water right Certificate # \_\_\_\_.

☐ voluntary diminution of a PORTION of water right Certificate # \_\_\_\_.

3. The appurtenant water right ☐ **is** **or** ☒ **is not** (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: \_\_\_\_.

- a. The water right, or portion thereof, being ☐ cancelled **or** ☐ diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

\_\_\_\_\_  
Signature of district manager      N/A  
Date N/A      Printed Name

4. **Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.**

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

☒ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) irrigation
- *IF FOR IRRIGATION OR NURSERY USE:* Total number of acres to be cancelled 1.82
- In the amount of 1.82x0.025=0.0455 cubic foot per second
- From the water source (s) Catherine Creek
- At the following location(s) (*attach a larger table if needed*):

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# Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
4	S	39	E	WM	24			NW NW	1.82	1600
				WM						
				WM						
				WM						

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

## AND/OR (less common)

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
  - From the water source (s) \_\_\_\_\_
  - Located within the \_\_\_\_\_<sup>1</sup>/<sub>4</sub>, Section \_\_\_\_\_, Township \_\_\_\_\_ (N ☐ or S ☐), Range \_\_\_\_\_ (E ☐ or W ☐, W.M.
  - Location Description (if given on the certificate) \_\_\_\_\_

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## 5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

- I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, **or** ☐ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.
- I/We agree that if this change is approved, it is permanent and the right to the use of water from \_\_\_\_\_ (source) cannot be changed back to the primary use unless otherwise provided by law.
- I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from \_\_\_\_\_ (source of water) for primary use on these lands.

## 6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of \_\_\_\_\_ (cfs) from \_\_\_\_\_ (sources) for irrigation (if applicable) of \_\_\_\_\_ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
				WM						
				WM						
				WM						
				WM						

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Signatures and Notary:

Ace W. Clark

Signature of legal owner as listed on deed, or authorized agent

Printed Name Ace W. Clark

Date 7/31/2025

Macey J. Clark

Signature of legal co-owner as listed on deed (if applicable)

Printed Name Macey J. Clark

Date 7/31/2025

Subscribed and Sworn to Before Me this 31<sup>st</sup> day of July, 2025.



Diane Wilson

Signature of Notary Public for Oregon

My Commission Expires 4-10-2028

**REQUIRED ATTACHMENTS (LEGIBLE COPIES):**

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
  - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
  - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

**MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.**

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21-35182

After recording return to:  
Eastern Oregon Title, Inc.  
1601 Adams Avenue  
La Grande, Oregon 97850

UNION COUNTY, OR

20214706

Pgs= 2

\$95.00

12/10/2021 10:04:02 AM

I, Robin Church, County Clerk for Union County, Oregon certify  
that the instrument identified herein was recorded in the Co.  
Clerk's records.

*R Church*

Robin Church, Union County Clerk

Until a change is requested all tax statements shall be sent to the  
following address:

Ace W. Clark and Macey J. Clark

56085 Draper Rd.

Union, OR 97883

## STATUTORY WARRANTY DEED

Mark E. Shelden and Louise Shelden, husband and wife, as tenants by the entirety, Grantor, conveys  
and warrants to Ace W. Clark and Macey J. Clark, husband and wife, as tenants by the entirety,  
Grantee, the following described real property free of liens and encumbrances, except as specifically set  
forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

This property is free from liens and encumbrances, EXCEPT:

Those of record

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE  
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305  
TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND  
17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.  
THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN  
VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR  
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD  
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT  
THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS  
DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO  
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED  
IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF  
ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,  
OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND  
SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true consideration for this conveyance is \$250,000.00. (Here comply with requirements of ORS  
93.030)

Dated this 8 day of December, 2021.

*Mark E Shelden*

Mark E. Shelden

*Louise Shelden*

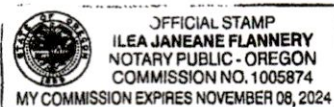
Louise Shelden

STATE OF OREGON )

)ss.

COUNTY OF UNION )

Signed or attested before me on this 8 day of December, 2021 by Mark E. Shelden and  
Louise Shelden..



*Ilea Flannery*

Notary Public for the State of Oregon

My commission expires: Nov. 8, 2024

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**EXHIBIT "A"**

Parcel 2 of Partition Plat No. 2021-0022, filed November 16, 2021, in Plat Cabinet "E", Slides 555 and 556, and recorded as Microfilm Document No. 20214412, Records of Union County, Oregon.

Situated in the Southwest quarter of Section 13, the Southeast quarter of Section 14, the Northeast quarter of Section 23, and the Northwest quarter of Section 24, Township 4 South, Range 39 East of the Willamette Meridian, Union County, Oregon.

(a portion of 04S3913-1600; Ref. Nos. 9171 & 7736)

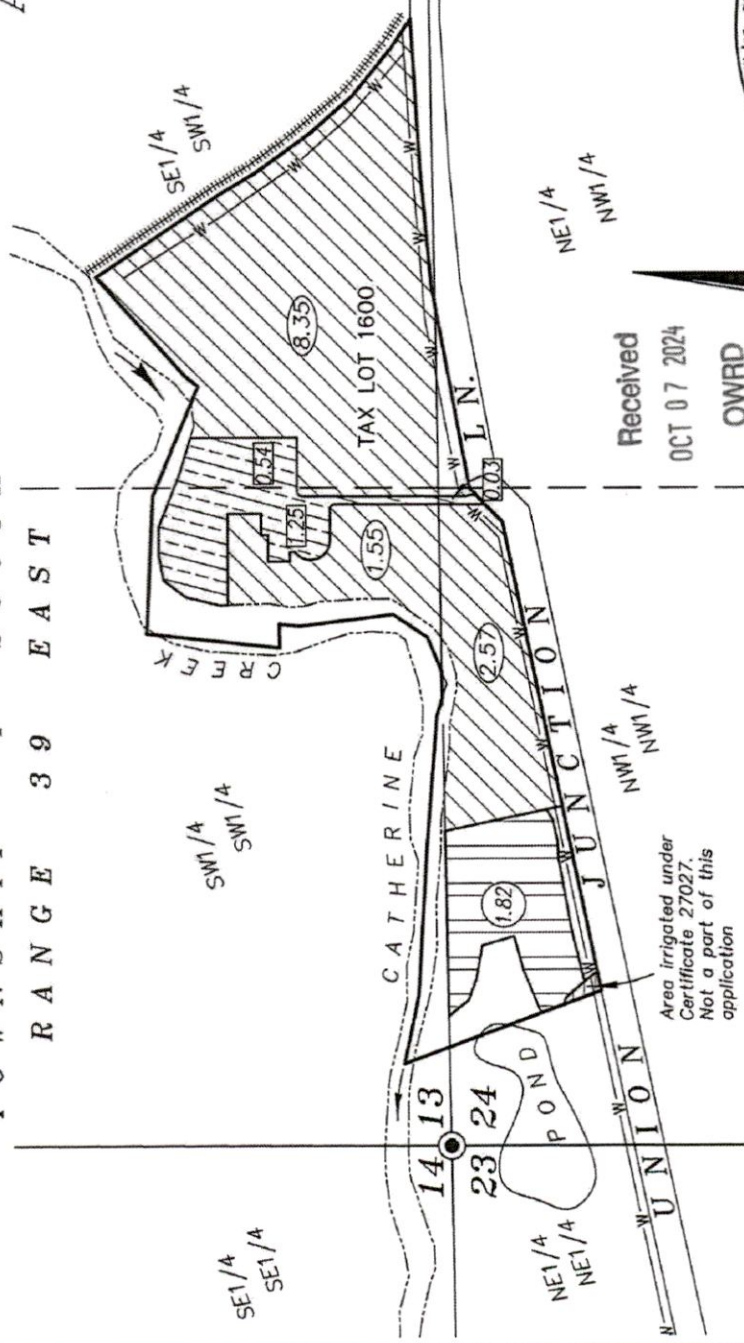
(a portion of 04S39-5400; Ref. No. 9114)

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August 22, 2024

# APPLICATION FOR TRANSFER OF A PLACE OF USE FOR ACE CLARK

TOWNSHIP 4 SOUTH  
RANGE 39 EAST



- Lands with primary water rights under Certificate 52577 (priority date 1864) to remain
- Lands with primary water rights under Certificate 52577 (priority date 1864) to be transferred
- Lands to receive rights
- Area of rights to remain
- Area of rights to be transferred
- Area of receiving rights



POINT OF DIVERSION is North 710 feet and West 400 feet from the SE corner of Section 13. Falls off of map.

Renews: June 30, 2025

NOTE: The preparation of this map was for the purpose of identifying the location of water rights and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

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SCALE: 1"=300'

APPLICATION NO. \_\_\_\_\_

PERMIT NO. \_\_\_\_\_

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3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.

Mark Sheldon

67209 Union Jct. Ln

Union, OR 97883

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