

Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate



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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 ceased 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 a water right 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 OAR 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: _____

Certificate of Water Right Information:

Certificate Number: _____

Issued for use within the State of Oregon, County of: _____.

Issued in the name of: _____.

Date of priority: _____

Rate or Volume on entire certificate: _____ (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: _____.

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

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

Statements of Oath:

I/We (or authorized agent), _____,

residing at _____,

with a mailing address of (if different) _____,

and a telephone number of _____, being **first duly sworn depose and say:**

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)*]. Ex

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: _____.

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 #_____.

☐ 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.

District Manager signature

Print Name (and Title if applicable)

Date

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.) _____
- *IF FOR IRRIGATION OR NURSERY USE:* Total number of acres to be cancelled _____
- In the amount of _____ cubic foot per second
- From the water source (s) _____
- At the following location(s) (*attach a larger table if needed*):

ABANDONED PORTION TO BE CANCELLED								
Twp	Rng		Sec	DLC, GLot	¼	¼	Acres	Tax Lot

- 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 or points of appropriation authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) _____
 - From the water source (s) _____
 - Located within the _____ 1/4, Section _____, Township _____ ☐ N or ☐ S, Range _____ E ☐ or W ☐
 - Location Description (if given on the certificate) _____

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

- a. 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.
- b. 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.
- c. 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 _____ (cubic foot per second) 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								
Twp	Rng	Sec	DLC, GLot	1/4	1/4	Acres	Tax Lot	

Signatures and Notary:

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

Date

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

Print Name (and Title if applicable)

Date

Subscribed and Sworn to Before Me this _____ day of _____, 20_____.

My Commission Expires _____

Signature of Notary Public for Oregon

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.