

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
WASHINGTON COUNTY

IN THE MATTER OF DIMINUTION OF A            )  
 PERFECTED AND DEVELOPED WATER         )       FINAL ORDER  
 RIGHT IN THE NAME OF                        )  
 EUGENE EVERS.                                 )

FINDINGS OF FACTS

1. On February 28, 2005, the Department received an affidavit from Eugene E. Evers, 39965 NW Osterman Road, Forest Grove, Oregon, stating that he is the owner of lands and the water right appurtenant as evidenced by Certificate 72488, State Record of Water Right Certificates. The affidavit further states that he has obtained a different source of water for primary irrigation of these lands and requests the water right be diminished from a right for primary irrigation to a right for supplemental irrigation of the lands.
2. The water right to be diminished is the right described by Certificate 72488, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.30 cubic foot per second (cfs) of water from West Fork Dairy Creek, tributary to the Tualatin River, for irrigation of 23.7 acres. The priority dates are August 14, 1940 for 0.25 cfs and September 13, 1940 for 0.05 cfs. The point of diversion is located in the SE¼ NE¼, Section 18, Township 1 North, Range 3 West, W. M.; South 22° 46' 20" East 729.5 feet from the N1/16 Corner of Sections 17 and 18.
3. The affidavit requests the following lands be diminished from primary irrigation to supplemental irrigation:

TWP	RNG	MER	SEC	1/4	1/4	DLC	ACRES
1	N	3	W	W.M.	18	NE SW	53 0.7
1	N	3	W	W.M.	18	SE SW	53 3.0
1	N	3	W	W.M.	18	NW SE	53 0.5
1	N	3	W	W.M.	18	SW SE	53 2.3

The quantity of water associate with the 6.5 acres equals 0.08 cubic foot per second.

This is a final order in other than 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

CONCLUSIONS OF LAW

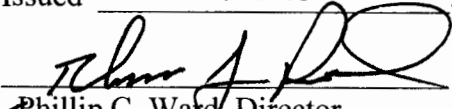
The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 72488 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

ORDER

IT IS HEREBY ORDERED:

1. Certificate 72488 is canceled.
2. The water right for irrigation of 6.5 acres as described by Certificate 72488 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81276, a new and superseding certificate, to confirm the diminution of the right

Issued APR 13 2005

  
For Phillip C. Ward, Director