

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
WASHINGTON COUNTY

IN THE MATTER OF DIMINUTION OF A)
 PERFECTED AND DEVELOPED WATER) FINAL O R D E R
 RIGHT IN THE NAME OF)
 GERALD I. HERB.)

FINDINGS OF FACTS

1. On February 28, 2005, the Department received an affidavit from Vandehey Farms, Inc., 21408 NW Pihl Road, Banks, Oregon, stating that they are the owner of lands and the water right appurtenant as evidenced by Certificate 23342, State Record of Water Right Certificates. The affidavit further states they have 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 23342, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.75 cubic foot per second of water from West Fork Dairy Creek, drainage ditch and reservoir constructed under Permit R-1302, tributary to the Tualatin River, for irrigation of 70.7 acres. The priority date is December 5, 1950. The point of diversion is located in NW¼ NW¼ and SW¼ NW¼, Section 12, Township 1 North, Range 4 West, W. M..
3. The affidavit requests the following lands be diminished from primary irrigation to supplemental irrigation:

TWP		RNG		MER	SEC	1/4	1/4	ACRES
1	N	4	W	W.M.	12	NW	NE	9.3
1	N	4	W	W.M.	12	NE	NW	14.3

The quantity of water associate with the 23.6 acres equals 0.25 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

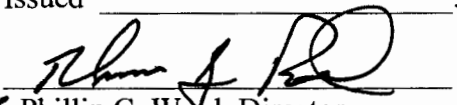
The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 23342 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

ORDER

IT IS HEREBY ORDERED:

1. Certificate 23342 is canceled.
2. The water right for irrigation of 23.6 acres as described by Certificate 23342 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81273, a new and superseding certificate, to confirm the diminution of the right

Issued APR 13 2005


Phillip C. Ward, Director