

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
YAMHILL COUNTY

IN THE MATTER OF DIMINUTION OF A)
 PERFECTED AND DEVELOPED WATER) FINAL O R D E R
 RIGHT IN THE NAME OF)
 CARL A. COREY)

FINDINGS OF FACTS

1. On August 16, 2005, the Department received an affidavit from Duane C. Smith and M. Teresa Smith, 11771 NW OAK Ridge Rd., PO Box 147, Yamhill, Oregon 97148, stating that they are the owner of lands and the water right appurtenant as evidenced by Certificate 49300, 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 a portion of the right described by Certificate 49300, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.41 cubic foot per second of water from North Yamhill River, tributary to the Yamhill River, for irrigation of 32.6 acres. The priority date is May 14, 1965. The point of diversion is located in SE¼ NW¼, As projected within Norris DLC 81, Section 6, Township 3 South, Range 4 West, W. M..
3. The affidavit requests the portion of Certificate 49300 appurtenant to the following lands be diminished from primary irrigation to supplemental irrigation:

TWP		RNG		MER	SEC	1/4	1/4	DLC	ACRES
3	S	4	W	W.M.	6	NW	NW	38	1.63
3	S	4	W	W.M.	6	SW	NW	38	0.07
Total									1.70

4. The quantity of water associated with the 1.70 acres is 0.02 cubic foot per second.

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR RECONSIDERATION

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 137-004-0080 you may either 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

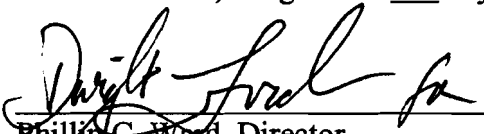
The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 49300 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation.

ORDER

IT IS HEREBY ORDERED:

1. Certificate 49300 is canceled;
2. The portion of the water right for irrigation of 1.70 acres as described by Certificate 49300 is diminished from a right for primary irrigation to a right for supplemental irrigation; and the Department shall issue a new and superseding certificate, to confirm the diminution of the right described herein and to describe the unaffected portion of the right.

Dated at Salem, Oregon this 19 day of August, 2005.


Phillip C. Ward, Director
Water Resources Department