

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
WASHINGTON COUNTY

IN THE MATTER OF DIMINUTION OF A            )  
 PERFECTED AND DEVELOPED WATER        )  
 RIGHT IN THE NAME OF                    )  
 L. J. HEESACKER.                            )

FINAL ORDER

FINDINGS OF FACTS

1. On February 28, 2005, the Department received an affidavit from Vandehay 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 39604, 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 39604, State Record of Water Right Certificates. The water right allows the use of not to exceed 1.175 cubic feet per second of water from West Fork Dairy Creek, tributary to Dairy Creek, for irrigation of 94.0 acres. The priority date is December 19, 1938. The point of diversion is located in NW¼ SW¼, as projected within John Lousignout DLC 52, 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	DLC	ACRES
1	N	4	W	W.M.	11	NE SW	1.8
1	N	4	W	W.M.	11	NE SE	26.0
1	N	4	W	W.M.	11	NW SE	36.3
1	N	4	W	W.M.	11	SW SE	14.0
1	N	4	W	W.M.	11	SE SE	11.0
1	N	4	W	W.M.	12	NW SW	0.08

The quantity of water associate with the 89.9 acres equals 1.124 cubic feet 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 39604 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

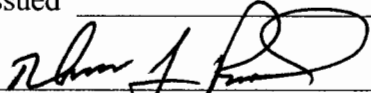
ORDER

IT IS HEREBY ORDERED:

1. Certificate 39604 is canceled.
2. The water right for irrigation of 89.9 acres as described by Certificate 39604 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81270, a new and superseding certificate, to confirm the diminution of the right

APR 13 2005

Issued \_\_\_\_\_



Phillip C. Ward, Director

For