

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

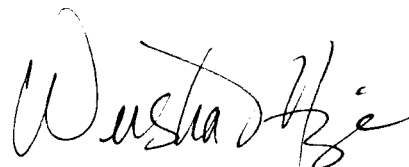
IN THE MATTER OF THE PROPOSED CANCELLATION)  
OF WATER RIGHT CERTIFICATE 19854 IN THE )  
NAME OF GEORGE DAKE DAWSON FOR USE OF )  
WATER FROM MITCHELL CREEK, TRIBUTARY OF )  
COW CREEK, DOUGLAS COUNTY )

PC 92-5

ORDER OF DISMISSAL  
ON SETTLEMENT

The above-captioned matter having come to hearing on April 7, 1993, at the Douglas County Courthouse before Weisha Mize, Hearings Referee; and all parties being present having entered into and signed a stipulated agreement for dismissal of said matter; and said dismissal being approved by the Referee and attached and incorporated by reference herein, the contested case in this matter is hereby DISMISSED without prejudice.

It is so ordered.



WEISHA MIZE  
Hearings Referee

Signed on April 8, 1993 and placed in the U.S. Mail, properly addressed and postage prepaid, at Salem on April 9, 1993.

**NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service (date of mailing) of this Order. Judicial review is pursuant to the provisions of ORS 536.075.

1 STATE OF OREGON  
2 WATER RESOURCES DEPARTMENT  
3 BEFORE THE DIRECTOR

4 In re )  
5 Proceedings for the cancellation of )  
6 water right certificate 19854 and ) SETTLEMENT AGREEMENT  
7 transfer application 6739. )

8 Whereas, ALLAN M. WILSON holds water rights under  
9 certificate number 19854, and GEORGE DAWSON, Jr., has filed a  
10 transfer application number 6739 for a portion of the rights under  
11 certificate 19854, and,

12 Whereas, LINDA DEW, ANTOINETTE MONTGOMERY, and BETTY ROOF  
13 have filed affidavits with the Water Resources Department alleging  
14 nonuse of water rights under certificate 19854 such as might  
15 justify cancellation of all or a portion of the rights under that  
16 certificate, and,

17 Whereas, these parties desire to resolve their  
18 differences amicably,

19 Now therefore the parties agree as follows:

20 1. Any water appropriated under certificate 19854 shall  
21 require a system using a headgate (or pump) and a measuring device  
22 at each point of diversion.

23 2. Any water appropriated under certificate 19854 shall be  
24 run through pipes or other enclosed devices and not open ditches to  
25 the point of use, beginning with the 1994 irrigation season.

26 3. No water shall be appropriated under certificate 19854 by  
27 use of a dam across Mitchell Creek aka Ash Creek. The user of  
28 water under certificate 19854 may use a device which partially  
29 diverts Ash Creek, but shall not construct, nor make use of, nor  
30 allow a dam across the full width of Ash Creek.

31 4. The preceding items number 1, 2, and 3 of this agreement  
32 shall be made conditions of certificate 19854 and of transfer  
33 application 6739. These conditions shall also apply to water  
34 appropriated under any permit or certificate superceding  
35 certificate 19854 and transfer application 6739. The Water  
36 Resources Department shall enforce these conditions the same as any

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1 other condition imposed upon a certificate or transfer application.

2 5. The persons filing affidavits in this matter, namely,  
3 Linda Dew, Antoinette Montgomery, and Betty Roof, agree to withdraw  
4 their affidavits on the grounds that they are not interested in  
5 pursuing the matter at this time. This withdrawal is without  
6 prejudice; in other words, they may file affidavits in the future.

7 It is so agreed.

8 Dated this 7th day of April 1993.

9 *Allan M. Wilson*  
10 ALLAN M. WILSON

*Linda Dew*  
LINDA DEW

11 *George Dawson, Jr.*  
12 GEORGE DAWSON, JR.

*Antoinette Montgomery*  
ANTOINETTE MONTGOMERY

13 *Betty Roof*  
14 BETTY ROOF

15 Approved:

16 *Weisha Mize*  
17 WEISHA MIZE  
18 Hearing Referee  
19 Water Resources Department

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