

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
WASHINGTON COUNTY

IN THE MATTER OF DIMINUTION OF A)
 PORTION OF A PERFECTED AND) FINAL O R D E R
 DEVELOPED WATER RIGHT IN THE NAME)
 OF DON ROSHAK)

FINDINGS OF FACTS

1. On April 30, 2004, the Department received an affidavit from Don Roshak, 13580 SW Roy Rogers Road, Sherwood, Oregon, stating he is the owner of lands and the water right appurtenant as evidenced by Certificate 76472, State Record of Water Right Certificates. The affidavit further states he has obtained a better 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 76472, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.04 cubic foot per second of water from an Unnamed Stream, Tile Line and Reservoir constructed under Permit R-8181, tributary to the Tualatin River, for irrigation of 3.4 acres. The priority date is January 31, 1980. The point of diversion is located in the SE¼ SE¼, Section 6, Township 2 South, Range 1 West, W. M.; 1070 feet North and 1100 feet West from the SE Corner of Section 6.

3. The affidavit requests the following lands be diminished from primary irrigation to supplemental irrigation:

TWP		RNG		MER	1/4	1/4	DLC	LOT	ACRES
2	S	1	W	WM	SE	SE			2.54

The quantity of water associate with the 2.54 acres equals 0.03 cubic foot per second.

CONCLUSIONS OF LAW

The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 76472 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a 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).

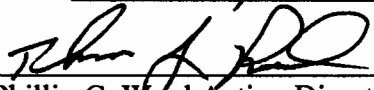
Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

ORDER

IT IS HEREBY ORDERED:

1. Certificate 76472 is canceled.
2. The water right for irrigation of 2.54 acres as described by Certificate 41993 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 80763, a new and superseding certificate, to confirm the diminution of the right

Issued June 7, 2004.


Phillip C. Ward Acting Director