

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF DIMINUTION OF A PERFECTED)
WATER RIGHT EVIDENCED BY CERTIFICATE 36655) FINAL ORDER
IN THE NAME OF CLARK CHASTAIN, LINN COUNTY)

Authority

Oregon Administrative Rule 690-330-0040 (2) allows for a primary right, at the request of the owner of the right, be diminished to a supplemental status to allow for a new primary right from a more dependable source of water. Pursuant to Oregon Revised Statute 540.650 a new water right as modified shall be reaffirmed by a new water right certificate.

Findings of Fact

1. On May 13, 2021, the Department received by email, an affidavit signed by Monte J. Lewis, 1022 W Placita Inocente, Green Valley, AZ 85644 (affiant), on behalf of M & B Lewis, LLC, 606 Tukwila Drive, Woodburn, OR 97071. The affiant asserts M & B Lewis, LLC is the owner of lands and the appurtenant water right within Tax Lot 1400, NESE & SESE, Township 13 South, Range 3 West, DLC 38 Section 35, W.M., and NESE & SWSW, Township 13 South, Range 3 West, DLC 38, Section 36 W.M., as evidenced by a portion of water right Certificate 36655. The affiant further asserts they are pursuing a different source of water for the primary irrigation of these lands and requests that a portion of the water right be diminished from a right for primary irrigation to a right for supplemental irrigation of the lands.
2. Water Right Certificate 36655 allows the use of 0.29 cubic foot per second (cfs), from a well within the Calapooya River Basin, for irrigation of 27.6 acres. The priority date is July 31, 1962.
3. The affiant requests that the use of 0.13 cfs of water for the irrigation of the lands described below, as currently authorized under Certificate 36655, be diminished to supplemental irrigation:

Twp	Rng	Mer	Sec	DLC	Q-Q	Acres	Tax Lot
13 S	3 W	WM	35	38	NE SE	8.0	1400
13 S	3 W	WM	35	38	SE SE	2.6	1400

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 137-004-0080, you may 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.

Twp	Rng	Mer	Sec	DLC	Q-Q	Acres	Tax Lot
13 S	3 W	WM	36	38	NW SW	1.0	1400
13 S	3 W	WM	36	38	SWSW	0.4	1400
Total:						12.0	

4. The measured distances of the well in Certificate 36655 are incorrectly listed as measured from the SW corner of DLC 38. The measured distances are from the SW corner of DLC 51.

Now, therefore, it is ORDERED

1. Certificate 36655 is cancelled.
2. The water right for the use of 0.13 cfs for irrigation on 12.0 acres, as described by Certificate 36655 is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue water right Certificate 96314, a new and superseding certificate, to describe diminution of the right and the portion of the right NOT MODIFIED by this order, and to describe the correct DLC reference in the measured distances of the well.

Dated in Salem, Oregon on JUN 1 0 2022

Dwight French
 Water Right Services Division Administrator, for
 Thomas M. Byler, Director
 Oregon Water Resources Department

Mailing date: JUN 1 0 2022