

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF PARTIAL DIMINUTION OF A)
PERFECTED WATER RIGHT EVIDENCED BY) FINAL ORDER
CERTIFICATE 55681 IN THE NAME OF FRANCIS A. KROUSE,)
C/O KROUSE RANCH, INC., JACKSON 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 June 23, 2022, the Department received by email, an affidavit signed by Tae Yun Kim, Trustee of the Tae Yun Kim 2007 Revocable Trust, dated July 20, 2007, as to an undivided 52% interest, and signed by Scott Henry Salton, Trustee of the Scott Henry Salton 2007 Revocable Trust, dated July 20, 2007, as to an undivided 48% interest (affiants), 15877 North Applegate Road, Grants Pass, Oregon, 97527.
2. The affiants assert they are the owners of lands and the appurtenant water right within Tax Lot 201, SENW & Tax Lot 200 NESW, Township 38 South, Range 7 West, Section 8, W.M.. The affiants further assert 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.
3. Water Right Certificate 55681 allows the use of 0.38 cubic foot per second (cfs) of water, being 0.28 from Cove Creek and 0.1 cfs of water from Myrtle Gulch and reservoir, for irrigation of 11.1 acres and supplemental irrigation of 4.0 acres.
4. The affiants request that the use water from Cove Creek, Myrtle Gulch and Krouse Reservoir for the irrigation of 11.1 be diminished from a right for primary irrigation on the lands described below, as currently authorized under Certificate 55681, be diminished to supplemental irrigation:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
38 S	4 W	WM	8	SENW	1.0	201

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	Q-Q	Acres	Tax Lot
38 S	4 W	WM	8	NESW	10.1	200
TOTAL					11.1	

Now, therefore, it is ORDERED

1. Certificate 55681 is cancelled.
2. The water right for the use the water of Cove Creek, Myrtle Gulch and Krouse Reservoir for the irrigation of 11.1 is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue water right Certificate 96746, a new and superseding certificate, to describe diminution of the right and the portion of the right NOT MODIFIED by this order.

Dated in Salem, Oregon on OCT 24 2023

Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing date: OCT 24 2023