

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                    )  
 JOHN HERINCKX.                            )

FINAL O R D E R

FINDINGS OF FACTS

1. On April 18, 2005, the Department received an affidavit from Sophia Delashmutt Trust by Robert Delashmutt, 5185 NW Cornelius-Schefflin, Oregon, stating that they are the owner of lands and the water right appurtenant as evidenced by Certificate 26061, 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 26061, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.65 cubic foot per second (cfs) of water being 0.28 cfs from unnamed stream, tributary to Dairy Creek, and 0.37 cfs from Dairy Creek, tributary to the Tualatin River, for irrigation of 52.3 acres. The priority date is January 2, 1957. The points of diversion are located in Lot 1(NW¼ NE¼), NE¼ NW¼, Section 21, Township 1 North, Range 3 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	3	W	W.M.	21	NE	NE	54	13.2
1	N	3	W	W.M.	21	NW	NE	54	8.5
1	N	3	W	W.M.	21	SW	NE	54	5.2
1	N	3	W	W.M.	21	SE	NE	54	0.3

The quantity of water associate with the 27.2 acres equals 0.34 cubic foot per second (cfs), being 0.19 cfs from Dairy Creek and 0.15 cfs from unnamed creek.

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. 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.

CONCLUSIONS OF LAW

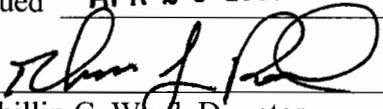
The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 26061 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

ORDER

IT IS HEREBY ORDERED:

1. Certificate 26061 is canceled.
2. The water right for irrigation of 27.2 acres as described by Certificate 26061 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81294, a new and superseding certificate, to confirm the diminution of the right

Issued APR 25 2005

  
Phillip C. Ward, Director