

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF THE CANCELLATION OF A ) PC 86-13  
WATER RIGHT IN THE NAME OF EMORY MOORE )  
RANCH FOR STORAGE IN & USE OF WATER ) FINAL ORDER  
FROM EMORY MOORE RESERVOIR, TRIBUTARY ) DISMISSING  
OF MAXFIELD CREEK, POLK COUNTY ) PROCEEDING

A hearing was set to be held in the above-entitled matter on Tuesday, June 6, 1989. Notice of Hearing was sent to the following person, by Certified Mail, on April 25, 1989:

Protestants

Craig Mikkelson, Attorney for  
U.S. National Bank  
Miller, Nash et al  
111 SW 5th Ave. Suite 3500  
Portland OR 97370

Joe Fulton, for  
Daniel Fulton  
24321 Price Creek Rd  
Philomath OR 97370

Proponents

Gerald Harpole  
24144 Price Creek Rd  
Philomath OR 97370

Ray Hunter  
24319 Price Creek  
Philomath OR 97370

Donald Brewer  
24103 Price Creek Rd  
Philomath OR 97370

Notice was sent to Daniel Fulton for information purposes only, as no protest was filed against the proposed cancellation by either Mr. Fulton or any authorized representative.

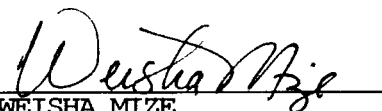
By stipulation signed by the parties on May 25, 1989, the proponents of cancellation indicated they were mistaken in the information regarding nonuse of water and that the basis for the action was, in fact, concern for impacts on aquatic life in Price Creek. By stipulation proponents further withdrew and retracted their request for cancellation and the affidavits submitted thereon.

Protestant agreed by said stipulation to henceforth limit its diversion from Price Creek to no more than 50% of the flow present at the time diversion is made.

Said stipulation is further attached and incorporated by reference in this Order.

Therefore, the above-entitled proceeding for cancellation of Certificates 34743 and 51552 is hereby DISMISSED.

SIGNED AND DATED this 2nd day of June, 1989.

  
WEISHA MIZE  
Hearings Referee

CERTIFIED MAIL---RETURN RECEIPT REQUESTED