

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF CANCELLATION OF A)	PC 88-14
WATER RIGHT IN THE NAME OF EMORY)	
MOORE RANCH FOR USE OF WATER FROM)	FINAL ORDER
EMORY MOORE RESERVOIR, TRIBUTARY OF)	DISMISSING
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 persons, by Certified Mail, on April 26, 1989.

Protestants

Craig Mikkelson, Attorney for
U.S. National Bank
Miller, Nash et al
111 SW 5th Ave. Suite 3500
Portland OR 97204

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 Certificate 34744 is hereby DISMISSED.

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



WEISHA MIZE
Hearings Referee

CERTIFIED MAIL---RETURN RECEIPT REQUESTED