

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF CANCELLATION OF A WATER )	PC 86-15
RIGHT IN THE NAME OF EMORY MOORE FOR )	
RESERVOIR STORAGE & USE OF WATER FROM PRICE )	FINAL ORDER
CREEK & RESERVOIR CONSTRUCTED UNDER PERMIT )	DISMISSING
R-4820, LUCKIAMUTE RIVER, 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

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.

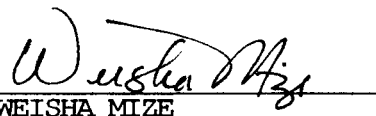
By stipulation signed by the parties on May 25, 1989, the proponents of cancellation indicated they were mistaken in the information regarding nonuse of water and that the basis for the action was, in fact, concern for impacts on aquatic life in Price Creek. By stipulation proponents further withdrew 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 41668 and 41669 is hereby DISMISSED.

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

  
WEISHA MIZE  
Hearings Referee

CERTIFIED MAIL---RETURN RECEIPT REQUESTED