

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
WASHINGTON COUNTY

IN THE MATTER OF DIMINUTION OF A)
 PERFECTED AND DEVELOPED WATER) FINAL O R D E R
 RIGHT IN THE NAME OF)
 CLARENCE VAN DYKE)

FINDINGS OF FACTS

1. On April 27, 2005, the Department received an affidavit from Charles E. and Vicki J. Hertel, 6995 NW Evers Road, Forest Grove, Oregon, stating that they are the owners of lands and the water right appurtenant as evidenced by Certificate 19844, 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 19844, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.375 cubic foot per second of water from West Fork Dairy Creek, tributary to Dairy Creek, for irrigation of 30.0 acres. The priority date is October 6, 1943. The point of diversion is located in NE¼ SE¼, as projected within Chas. Conklin DLC 53, Section 18. 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.	18	NE	SE	53	8.2
1	N	3	W	W.M.	18	SE	SE	53	4.5

The quantity of water associate with the 12.7 acres equals 0.159 cubic foot per second.

CONCLUSIONS OF LAW

The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 19844 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

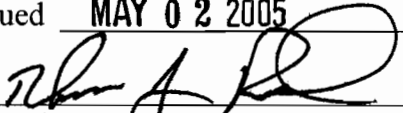
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition 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.

ORDER

IT IS HEREBY ORDERED:

1. Certificate 19844 is canceled.
2. The water right for irrigation of 12.7 acres as described by Certificate 19844 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81186, a new and superseding certificate, to confirm the diminution of the right

Issued MAY 02 2005


For Phillip C. Ward, Director