

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 )  
 MILTON N. SIMON. )

FINDINGS OF FACTS

1. On April 27, 2005, the Department received an affidavit from Sheelar & Scott Farms, Inc., 1265 NW Gales Creek Road, Forest Grove, Oregon, stating that they are the owner of lands and the water right appurtenant as evidenced by Certificate 14453, 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 14453, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.40 cubic foot per second of water from Gales Creek, tributary to the Tualatin River, for irrigation of 31.6 acres. The priority date is December 30, 1938. The points of diversion are located in NW¼ NE¼, as projected within David Allen DLC 47, Section 34, Township 1 North, Range 4 West, W. M. and the SE¼ SW¼ and SW¼ SE¼, as projected within Marvil Watts DLC 48, Section 27, Township 1 North, Range 4 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	4	W	W.M.	27	SE	SE	48	4.3
1	N	4	W	W.M.	34	NE	NE		5.5

The quantity of water associate with the 9.8 acres equals 0.12 cubic foot per second.

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

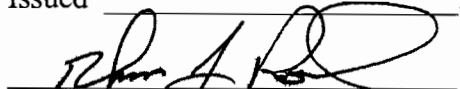
The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 14453 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

ORDER

IT IS HEREBY ORDERED:

1. Certificate 14453 is canceled.
2. The water right for irrigation of 9.8 acres as described by Certificate 14453 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81253, a new and superseding certificate, to confirm the diminution of the right

Issued MAY 02 2005

  
Phillip C. Ward, Director