

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
CLACKAMAS COUNTY

IN THE MATTER OF DIMINUTION OF)
A PERFECTED AND DEVELOPED WATER)
RIGHT EVIDENCED BY CERTIFICATE) FINAL ORDER
38218 IN THE NAME OF WILLAMETTE VIEW)
MANOR, INC.)

Findings of Fact

Background

1. On September 4, 2007, the Department received an affidavit from Kim Michal Buchholz, VP/ Administrator, Residential and Campus Services, Willamette View Inc., 13021 SE River Road, Suite 1000, Portland, OR 97222. Willamette View, Inc. is the owner of lands and the water right appurtenant as evidenced by Certificate 38218. The affiants request that the water rights evidenced by Certificate 38218 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 38218, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.10 cubic foot per second (cfs) from the Willamette River, a tributary of the Columbia River for irrigation of 8.1 acres. The priority date is June 22, 1955. The point of diversion from the source is located in the SWNE, projected within Crow DLC 49, Section 2, T2S R1E, W.M.
3. The affidavit request the following lands be diminished from primary irrigation to supplemental irrigation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 E	WM	2	NE NE	Kellogg DLC 47	4.6
2 S	1 E	WM	2	NW NE	Kellogg DLC 47	0.6
2 S	1 E	WM	2	SW NE	Crow DLC 49	1.9
2 S	1 E	WM	2	SW NE	Kellogg DLC 47	0.2
2 S	1 E	WM	2	SE NE	Crow DLC 49	0.6
2 S	1 E	WM	2	SE NE	Kellogg DLC 47	0.2

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a 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 137-004-0080, 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.

Now, therefore, it is ORDERED:

1. Certificate 38218 is cancelled.
2. The water right for irrigation of 8.1 acres as described by Certificate 38218 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 83552, a new and superseding certificate to confirm the diminution of the right.

Dated at Salem, Oregon this 17th day of September, 2007.


Phillip C. Ward, Director

Mailing date: SEP 24 2007