

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

Order of Diminution of a Portion of the )  
 Water Right Described by Certificate 31135 ) FINAL ORDER  
 )  
 )

**Findings of Fact**

1. An affidavit was received on November 19, 2008, from Victor Schneider and Dona Dee Burns saying they are the owners of the land and the water right appurtenant to the land, and request the right be diminished to supplemental irrigation.
2. The right requested to be diminished is a portion of the water right described by Certificate 31135 which allows the use of up to 0.22 cubic foot per second of water from a well, in the Pudding River Basin, for irrigation of 39.0 acres. The date of priority is July 14, 1959.
3. The point of appropriation is located in the SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Section 4, T 6 S, R 1 E, WM; 1 chain South and 11 chains West from the NE corner, DLC 42.
4. The place of use is located:

NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	0.5 ACRE
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	0.9 ACRE
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	28.2 ACRES
LOT 3 (SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> )	9.4 ACRES
SECTION 4	
TOWNSHIP 6 SOUTH, RANGE 1 E, WM	

5. OAR 690-320-0070(2) provides that a primary right may, at the request of the owner of the right, be diminished to a supplemental status.
6. The owners agree that the change is permanent and the right to use water from the well can not be changed back to the primary source for these lands.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

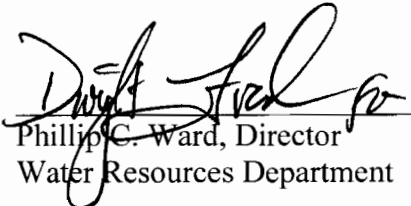
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review 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.

7. The owners agree that so long as there is sufficient water available from the new primary source, they are not entitled to water from the well for irrigation of these lands.

**Now, therefore, it is ORDERED:**

1. The portion of the water right requested to be diminished, is diminished to supplemental irrigation
2. A new certificate shall be issued describing the diminished water right.
3. A new certificate shall issued describing the remainder of the water right not affected by this action.

Issued           MAR 06 2009          .

  
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Phillip C. Ward, Director  
Water Resources Department