

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
UMATILLA COUNTY

IN THE MATTER OF DIMINUTION OF)
PERFECTED AND DEVELOPED WATER)
RIGHTS EVIDENCED BY CERTIFICATES) FINAL ORDER
24221 AND 31295 IN THE NAME OF)
WILMER MOORE)

Findings of Fact

Background

1. On May 31, 2007, the Department received affidavits from Laurie LeRoux, Claiming Successor of the Estate of Mary Ann Moore, 32975 W. Spearman Road, Hermiston, OR 97838, and John F. and Marjorie Walchi , 79937 S Edwards Rd., Hermiston, OR 97838. Laurie LeRoux's affidavit states she is the responsible party for probating the estate of her mother (Mary Ann Moore) who was the owner of lands and the water right appurtenant as evidenced by Certificates 24221 and 31295. John F. and Marforie Walchi are the owners of lands and the water right appurtenant as evidenced by Certificates 24221 and 31295. The affidavits further state that Hermiston Irrigation District claims the same areas described in these certificates as being primary irrigation rights under water rights held by the District. The affiants request that the water rights evidenced by Certificate 24221 and 31295 be diminished from rights for primary irrigation to rights for supplemental irrigation of the lands.
2. The first water right to be diminished is the right described by Certificate 24221, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.50 cubic foot per second (cfs) being 0.285 (cfs) from a spring and 0.215 (cfs) from seepage, tributary to the Umatilla River for irrigation of 10.0 acres. The priority dates are June 18, 1951 for 0.25 cfs and July 1, 1952 for 0.25 cfs. The point of diversion from the spring is located in the NWSW, Section 7, T4N, R29E, W.M., and the point of diversion from seepage is located in the SESE, Section 12, T4N R28E, W.M.
3. The second water right to be diminished is the right described by Certificate 31295, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.27 cfs

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.

being 0.13 cfs from a spring and 0.14 cfs from seepage, tributaries to the Umatilla River for irrigation of 5.3 acres. The priority date is June 6, 1960. The points of diversion are located in the NWSW, Section 7, T4N, R29E, W.M., and the SESE, Section 12, T4NR28E, W.M.

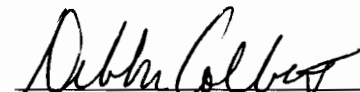
3. The affidavits request the following lands be diminished from primary irrigation to supplemental irrigation:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Certificate
4 N	28 E	WM	12	SW SE	10.0	24221
4 N	28 E	WM	12	SW SE	5.2	31295
4 N	28 E	WM	27	SE SE	0.1	31295

Now therefore, it is ORDERED:

1. Certificates 24221 and 31295 are canceled.
2. The water right for irrigation of 10.0 acres as described by Certificate 24221 is diminished from a right for primary irrigation to a right for supplemental irrigation. The water right for irrigation as described by Certificate 31295 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificates 83392 and 83393, new and superseding certificates, to confirm the diminution of the rights.

Dated at Salem, Oregon this 15th day of June, 2007.


 Phillip C. Ward, Director

Mailing date: JUN 21 2007