

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
WASHINGTON COUNTY

IN THE MATTER OF DIMINUTION OF A            )  
 PERFECTED AND DEVELOPED WATER        )  
 RIGHT IN THE NAME OF                        )  
 MELVIN L. LOVE                                )

FINAL O R D E R

FINDINGS OF FACTS

1. On February 14, 2005, the Department received an affidavit from Melvin L. Love, Personal Representative of Viola E. Love, 7800 NW Kansas City Road, Forest Grove, Oregon, stating that she is the owner of lands and the water right appurtenant as evidenced by Certificate 31923, State Record of Water Right Certificates. The affidavit further states she has 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 31923, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.49 cubic foot per second of water from Drainage Ditch No. 7, tributary to South Fork West Dairy Creek, for irrigation of 93.2 acres. The priority date is September 22, 1959. The point of diversion is located in the SW¼ NE¼, Section 14, 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	LOT	ACRES
1	N	4	W	W.M.	14	NE	NE	1	24.8
1	N	4	W	W.M.	14	NW	NE	2	10.9
1	N	4	W	W.M.	14	SW	NE		15.8
1	N	4	W	W.M.	14	NE	NW		1.4
1	N	4	W	W.M.	14	SE	NW		6.8

The quantity of water associate with the 59.7 acres equals 0.31 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.

## CONCLUSIONS OF LAW

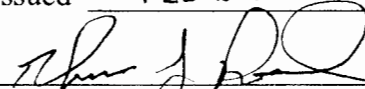
The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 31923 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

## ORDER

### IT IS HEREBY ORDERED:

1. Certificate 31923 is canceled.
2. The water right for irrigation of 59.7 acres as described by Certificate 31923 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81176, a new and superseding certificate, to confirm the diminution of the right

Issued FEB 22 2005

  
Phillip C. Ward, Director