

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)
 WILLIAM SUSBAUER)

FINAL ORDER

FINDINGS OF FACTS

1. On February 14, 2005, the Department received an affidavit from Merle A. Peters and Marilyn Peters, 3380 NW Highway 47, Forest Grove, Oregon, stating that they are the owner of lands and the water right appurtenant as evidenced by Certificate 20026, 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 20026, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.375 cubic foot per second of water from West Dairy Creek, tributary to Dairy Creek, for irrigation of 30.0 acres. The priority date is March 28, 1947. The point of diversion is located in SW¼ NW¼, Section 12, 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	ACRES
1	N	4	W	W.M.	12	NW	NW	4.0
1	N	4	W	W.M.	12	SW	NW	6.8

The quantity of water associate with the 10.8 acres equals 0.135 cubic foot per second.

CONCLUSIONS OF LAW

The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 20026 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation.

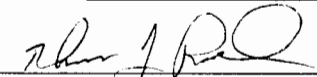
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

ORDER

IT IS HEREBY ORDERED:

1. Certificate 20026 is canceled.
2. The water right for irrigation of 10.8 acres as described by Certificate 20026 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81183, a new and superseding certificate, to confirm the diminution of the right

Issued FEB 28 2005.



Phillip C. Ward, Director