

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
WASHINGTON COUNTY

IN THE MATTER OF DIMINUTION OF A )  
PERFECTED AND DEVELOPED WATER ) FINAL O R D E R  
RIGHT IN THE NAME OF )  
HOMER L. SIMANTEL )

FINDINGS OF FACTS

1. On February 14, 2005, the Department received an affidavit from Norbert W. and Beatrice L. Peters, 36515 NW Harrington Road, Cornelius, Oregon, stating that they are the owner of lands and the water right appurtenant as evidenced by Certificate 33217, 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 33217, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.19 cubic foot per second of water from East Dairy Creek, tributary to Dairy Creek, for irrigation of 15.1 acres. The priority date is August 7, 1962. The point of diversion is located in Lot 2 (NE¼ SE¼), Section 4, Township 1 North, Range 3 West, W. M.; 760 feet North and 160 feet West from the SW Corner of Harrison DLC 38.
3. The affidavit requests the following lands be diminished from primary irrigation to supplemental irrigation:

TWP		RNG		MER	SEC	1/4	1/4	DLC	ACRES
1	N	3	W	W.M.	3	NW	SW	38	3.1
1	N	3	W	W.M.	4	NE	SE	38	1.4

The quantity of water associate with the 4.5 acres equals 0.06 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 33217 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation.

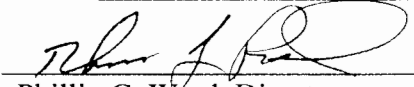
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition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

ORDER

IT IS HEREBY ORDERED:

1. Certificate 33217 is canceled.
2. The water right for irrigation of 4.5 acres as described by Certificate 33217 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81190, a new and superseding certificate, to confirm the diminution of the right

Issued FEB 28 2005.

  
\_\_\_\_\_  
Phillip C. Ward, Director