

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF PARTIAL DIMINUTION OF A )  
 PERFECTED WATER RIGHT EVIDENCED BY )  
 CERTIFICATE 37851 IN THE NAME OF CLIFFORD AND ) FINAL ORDER  
 LOLA WHISENHUNT, )  
 LINN COUNTY )

**Authority**

Oregon Administrative Rule 690-330-0040 (2) allows for a primary right, at the request of the owner of the right, be diminished to a supplemental status to allow for a new primary right from a more dependable source of water. Pursuant to Oregon Revised Statute 540.650 a new water right as modified shall be reaffirmed by a new water right certificate.

**Findings of Fact**

1. On December 31, 2014, the Department received by mail, an affidavit signed by Michael and Sheryl Casteen (affiants), 35240 Cold Springs Rd, Lebanon, OR 97355. The affiants assert ownership of lands and the appurtenant water right within Tax Lot 100, SWSW, Township 11 South, Range 2 West, DLC 66 Section 13, W.M., and NWNW, Township 11 South, Range 2 West, DLC 66, Section 24 W.M., as evidenced by a portion of water right Certificate 37851. The affiants further assert they are pursuing a different source of water for the primary irrigation of these lands and request that a portion of the water right be diminished from a right for primary irrigation to a right for supplemental irrigation of the lands.
2. Water Right Certificate 37851 allows the use of 0.2 cubic foot per second (cfs), from a well within the Coldspring Branch (South Santiam River), for irrigation of 15.9 acres. The priority date is June 7, 1968.
3. The affiant requests that the use of 0.04 cfs of water for the irrigation of the lands described below, as currently authorized under Certificate 37851, be diminished to supplemental irrigation:

Twp	Rng	Mer	Sec	DLC	Q-Q	Acres	Tax Lot
11 S	2 W	WM	13	66	SW SW	0.3	100
11 S	2 W	WM	24	66	NW NW	2.5	100
<b>TOTAL:</b>						<b>2.8</b>	

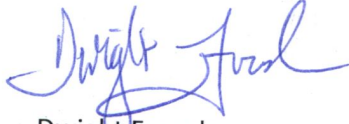
**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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 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.

**Now, therefore, it is ORDERED**

1. Certificate 37851 is cancelled.
2. The water right for the use of 0.04 cfs for irrigation on 2.8 acres, as described by Certificate 37851 is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue a new and superseding certificate, to describe the diminution of the right and the portion of the right NOT MODIFIED by this order.

Dated in Salem, Oregon on DEC 08 2023



Dwight French  
Water Right Services Division Administrator, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department