

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
UMATILLA COUNTY

IN THE MATTER OF DIMINUTION OF)
 A PERFECTED AND DEVELOPED WATER)
 RIGHT EVIDENCED BY CERTIFICATE) FINAL ORDER
 82433 IN THE NAME OF GEORGE C. AND)
 DONNA J. SUTTON)

Findings of Fact

1. On February 7, 2008, the Department received an affidavit from Ted J. and Barbara L. Shaffer, 30803 Jeppeson Lane, Hermiston, OR 97838, the owners of lands and the water right appurtenant as evidenced by Certificate 82433. The affiants request that the water right evidenced by Certificate 82433 be diminished from a right for primary irrigation to a right for supplemental irrigation.
2. The water right to be diminished is the right described by Certificate 82433, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.034 cubic foot per second (cfs) from a well in the Umatilla River Basin, for irrigation of 3.0 acres. The priority date is June 2, 1977. The point of diversion from the source is located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
5 N	29 E	WM	31	S ½ NW SW	1500 FEET NORTH AND 200 FEET EAST FROM THE SW CORNER OF SECTION 31

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

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	31	NW SW	3.0

Now, therefore, it is ORDERED:

1. Certificate 82433 is cancelled.
2. The water right for irrigation of 3.0 acres as described by Certificate 82433 is diminished from a right for primary irrigation to a right for supplemental irrigation.

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.

3. The Department shall issue Certificate 84586, a new and superseding certificate to confirm the diminution of the right.

Dated at Salem, Oregon this 7th day of AUGUST, 2008.

E. Timothy Wall for
Phillip C. Ward, Director

Mailing date: AUGUST 7, 2008