

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
MARION COUNTY

IN THE MATTER OF DIMINUTION OF)
 A PERFECTED AND DEVELOPED WATER)
 RIGHT EVIDENCED BY CERTIFICATE) FINAL ORDER
 11637 IN THE NAME OF BERTHA SCHOLZ)

Findings of Fact

1. On May 15, 2008, the Department received an affidavit from Charles W. Eggert, Managing Member of Elsinore Development Group, LLC, 19480 SW 97th Ave., Tualatin, OR 97062, the owner of lands and the water right appurtenant as evidenced by Certificate 11637. The affiant requests that the water right evidenced by Certificate 11637 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 11637, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.25 cubic foot per second (cfs) being 0.125 from an unnamed stream and 0.125 from springs, tributaries to the Willamette River, for irrigation of 20.0 acres. The priority date is November 13, 1934. The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q
3 S	1 W	WM	32	SE NE
3 S	1 W	WM	33	W1/2 of the NW 1/4

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

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 W	WM	32	NE NE	4.0
3 S	1 W	WM	32	SE NE	7.0
3 S	1 W	WM	33	NW NW	9.0

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 11637 is cancelled.
2. The water right for irrigation of 20.0 acres as described by Certificate 11637 is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue Water Right Certificate 84712, a new and superseding certificate to confirm the diminution of the right.

Dated at Salem, Oregon this 30th day of OCTOBER, 2008.

E. Timothy Wall. for
Phillip C. Ward, Director

Mailing date: OCT 30 2008