

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)
 EDWARD KINDEL.)

FINAL ORDER

FINDINGS OF FACTS

1. On February 28, 2005, the Department received an affidavit from Donald E. Kindel, 6856 NW Evers Road, Forest Grove, Oregon, stating that he is the owner of lands and the water right appurtenant as evidenced by Certificate 35099, 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 35099 State Record of Water Right Certificates. The water right allows the use of not to exceed 0.435 cubic foot per second of water from West Dairy Creek, tributary to Dairy Creek, for irrigation of 34.6 acres. The priority date is February 5, 1946. The point of diversion is located in NW¼ NW¼, as projected within Richard Arthur DLC 43, Section 17, Township 1 North, Range 3 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	DLC	LOT	ACRES
1	N	3	W	W.M.	17	NW	NW	43		4.0
1	N	3	W	W.M.	17	SW	NW	43		18.2

The quantity of water associate with the 22.2 acres equals 0.28 cubic foot per second.

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.

CONCLUSIONS OF LAW

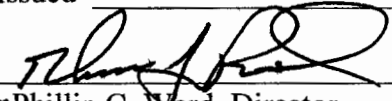
The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 35099 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

ORDER

IT IS HEREBY ORDERED:

1. Certificate 35099 is canceled.
2. The water right for irrigation of 22.2 acres as described by Certificate 35099 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81250, a new and superseding certificate, to confirm the diminution of the right

Issued APR 6 2005


For Phillip C. Ward, Director