

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF DIMINUTION OF A PERFECTED)
WATER RIGHT EVIDENCED BY CERTIFICATE 89215) FINAL ORDER
IN THE NAME OF STEVE RICKMAN, HARNEY 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 August 12, 2022, the Department received an affidavit signed by Steven E. Rickman and Kristi L. Rickman, 69705 Old Experiment Road, Burns, OR 97720 (affiants), trustees of the Steven E. Rickman and Kristi L. Rickman Family Trust u/t/d June 19, 2018. The affiants assert that the Steven E. Rickman and Kristi L. Rickman Family Trust u/t/d June 19, 2018 is the owner of lands and the appurtenant water right within Tax Lot 202, SWSW (G-Lot 4) & SESW, Township 23 South, Range 32 East, Section 18, W.M., as evidenced by a portion of water right Certificate 89215. 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 89215 allows the use of 2.18 cubic foot per second (cfs), from Poison Creek and Foley Slough, tributaries of the Silvies River, for irrigation of 174.3 acres. The priority date is 1894.
3. The affiant requests that the use of 0.515 cfs of water for the irrigation of the lands described below, as currently authorized under Certificate 89215, be diminished to supplemental irrigation:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
23 S	32 E	WM	18	NE SE	11.2	202
23 S	32E	WM	18	SE SE	30.0	202
Total					41.2	

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 89215 is cancelled.
2. The water right for the use of 0.52 cfs for irrigation on 41.2 acres, as described by Certificate 89215 is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue water right Certificate 96428, a new and superseding certificate, to describe diminution of the right and the portion of the right NOT MODIFIED by this order.

Dated in Salem, Oregon on SEP 09 2022



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: SEP 09 2022