

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)
 EUGENE EVERS.)

FINAL O R D E R

FINDINGS OF FACTS

1. On March 7, 2005, the Department received an affidavit from Joseph A. and Beverly Evers (Evers Investment Co.), 14735 NW Sellers Road, Banks, Oregon, stating that they are the owner of lands and the water right appurtenant as evidenced by Certificate 72487, 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 72487, State Record of Water Right Certificates. The water right allows the use of not to exceed 0.82 cubic foot per second of water from West Fork Dairy Creek, tributary to Dairy Creek, for irrigation of 65.0 acres. The priority date is March 1, 1939. The point of diversion is located in SE¼ NE¼, Section 18, Township 1 North, Range 3 West, W. M.; South 22° 46' 20" East 729.5 feet from the N1/16 Corner of Sections 17 and 18.
3. The affidavit requests the following lands be diminished from primary irrigation to supplemental irrigation:

TWP		RNG	MER	SEC	1/4	1/4	DLC	ACRES	
1	N	3	W	W.M.	18	NE	SW	53	1.9
1	N	3	W	W.M.	18	NW	SW	53	15.0

The quantity of water associate with the 16.9 acres equals 0.21 cubic foot per second.

CONCLUSIONS OF LAW

The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 72487 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

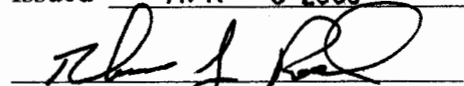
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

ORDER

IT IS HEREBY ORDERED:

1. Certificate 72487 is canceled.
2. The water right for irrigation of 16.9 acres as described by Certificate 72487 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81296, a new and superseding certificate, to confirm the diminution of the right

Issued APR 6 2005.


Phillip C. Ward, Director