

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF DIMINUTION OF A)	
PORTION OF A PERFECTED WATER RIGHT)	FINAL ORDER
EVIDENCED BY CERTIFICATE 68109 IN THE)	
NAMES OF BURL JAMES AND/OR JOSEPHINE)	
EASTMAN)	

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 June 12, 2020, the Department received an affidavit signed by Charles W. Bryan (Vice-President) on behalf of Eagle Creek Northwest LLC, 1314 12th Ave South, Suite 5, Nampa, ID 83651, stating Eagle Creek Northwest LLC is the owner of lands and the appurtenant water right as evidenced by water right Certificate 68109. The affidavit further states they are pursuing a different source of water for a portion of the primary irrigation of these lands and requests 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 68109 allows the use of 0.97 cubic foot per second (cfs), from Smallman Creek, a tributary of the North Santiam River, for irrigation of 77.4 acres. The priority date is June 26, 1990.
3. The affiant requests a portion of the water right Certificate 68109 be diminished from a right for primary irrigation to a right for supplemental irrigation.
4. The affidavit requests the use of 0.55 cfs for the irrigation of the following lands be diminished to supplemental irrigation:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	2 E	WM	10	NW SW	7.5
10 S	2 E	WM	10	SW SW	36.7
Total:					44.2

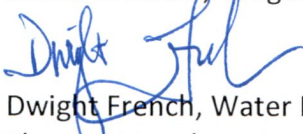
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 68109 is cancelled.
2. The water right for the use of 0.55 cfs for irrigation on 44.2 acres, as described by Certificate 68109, is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue water right Certificate 95252, a new and superseding certificate, to describe the partial diminution of the right.

Dated in Salem, Oregon on DEC 11 2020



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

Mailing date: DEC 11 2020