

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF DIMINUTION OF)
 A PERFECTED AND DEVELOPED WATER)
 RIGHT EVIDENCED BY CERTIFICATE) FINAL ORDER
 45705 IN THE NAME OF JOHN PHIPPS)

Findings of Fact

1. On May 29, 2007, the Department received an affidavit from David E. Lesser, 84573 Ringer Road, Milton-Freewater, Oregon, 97862, the owner of lands and the water right appurtenant as evidenced by Water Right Certificate 45705. The affiant requests that a portion of the water right evidenced by Certificate 45705 be diminished from a right for primary irrigation to a right for supplemental irrigation.
2. Water Right Certificate 45705 allows the use of not more than 0.35 cubic feet per second (cfs) from Dugger Creek, tributary of the Walla Walla Watershed, for irrigation of 28.45 acres. The priority date is June 25, 1924.
3. The affidavit requests the following lands be diminished from irrigation to supplemental irrigation:

TWP	RNG	MER	SEC	Q-Q	ACRES
6N	35E	W.M.	30	SW NW	16.14

Now, therefore, it is ORDERED:

1. Certificate 45705 is cancelled.
2. The water right for irrigation of 16.14 acres as described by Certificate 45705 is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue Water Right Certificate 86236, a new and superseding certificate, to describe the diminution of the right to supplemental irrigation.
4. The Department shall issue Water Right Certificate 86237, a new and superseding certificate, to describe the remainder of the irrigation water right.

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.

Dated at Salem, Oregon this 20th day of MAY, 2010.

E. Timothy Wall for
Phillip C. Ward, Director

Mailing date: **MAY 20 2010**