

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
CLACKAMAS COUNTY

IN THE MATTER OF DIMINUTION OF A)
 PORTION OF A PERFECTED WATER RIGHT) FINAL ORDER
 EVIDENCED BY CERTIFICATE 36084 IN THE)
 NAME OF JACK SMITH)

Findings of Fact

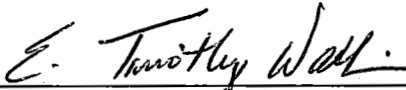
1. On October 11, 2016, the Department received an affidavit from James N. Smith, LLC, Maurice Smith Executor, 19272 River Road NE, St. Paul, OR 97137, Smith Limited Trust, Sam and Claudia Smith, Trustees, 20493 Riverside Drive NE, St. Paul, OR 97317, and Elaine Smith Trust, Elaine Smith, Trustee, PO Box 13, St. Paul, OR 97137, the owners of lands and the water right appurtenant as evidenced by water right Certificate 36084.
2. Water Right Certificate 36084 allows the use of 1.3 cubic feet per second (cfs), from a well, tributary to Mission Creek and Champoeg Creek, for irrigation of 265.4 acres. The priority date is February 7, 1964.
3. The affiant requests a portion of the water right Certificate 36084 be diminished from a right for irrigation to a right for supplemental irrigation.
3. The affidavit requests the use of 0.75 cfs for the irrigation of the following lands be diminished to supplemental irrigation:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 W	WM	16	SW NW	1		15.4
4 S	2 W	WM	16	SE NW	1		0.1
4 S	2 W	WM	16	NE SW	2		0.2
4 S	2 W	WM	16	NE SW		99	4.8
4 S	2 W	WM	16	NW SW		99	38.6
4 S	2 W	WM	16	NW SW	2		1.4
4 S	2 W	WM	16	SW SW		99	23.0
4 S	2 W	WM	16	SE SW		99	2.7
4 S	2 W	WM	17	NE NE	2		2.0
4 S	2 W	WM	17	SW NE	4		24.8
4 S	2 W	WM	17	SE NE	1		36.2
4 S	2 W	WM	17	NE SE	9		1.2
4 S	2 W	WM	17	NE SE		99	2.8
4 S	2 W	WM	17	NW SE	4		0.3
4 S	2 W	WM	17	SE SE		99	0.2
						Total:	153.7

Now, therefore, it is ORDERED

1. Certificate 36084 is cancelled.
2. The water right for the use of 0.75 cfs for irrigation on 153.7 acres, as described by Certificate 36084, is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue water right Certificate 92063, a new and superseding certificate, to describe the partial diminution of the right.

Dated at Salem, Oregon on FEBRUARY 27, 2016.



E. Timothy Wallin
E. Timothy Wallin, Water Rights Program Manager, for
Thomas Byler, Director

Mailing date: FEB 28 2017