

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
KLAMATH COUNTY

IN THE MATTER OF DIMINUTION OF A)
 PORTION OF A PERFECTED AND) FINAL O R D E R
 DEVELOPED WATER RIGHT IN THE NAME)
 OF GLEN, ALDA, AND PHILIP ISRAEL)

FINDINGS OF FACTS

1. On July 21, 2003, the Department received an affidavit from Ken and Dianne Buscher, 3286 E. Langell Valley Road, Bonanza, Oregon, stating they are the owners of lands and the water right appurtenant as evidenced by Certificate 41993, State Record of Water Right Certificates. The affidavit further states they have obtained a better 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 41993, State Record of Water Right Certificates. The water right allows the use of not to exceed 1.60 cubic foot per second of water from the Sycan River, tributary to the Sprague River, for irrigation of 29.7 acres and supplemental irrigation of 145.0 acres. The priority date is December 24, 1965. The point of diversion is located in the NW¹/₄ SW¹/₄, Section 34, Township 35 South, Range 12 East, W. M.; 1410 feet North and 1230 feet East from the SW Corner of section 34.
3. The affidavit requests the following lands be diminished from primary irrigation to supplemental irrigation:

TWP		RNG		MER	1/4	1/4	DLC	LOT	ACRES
35	S	12	E	WM	NW	SW			5.9
35	S	12	E	WM	SW	SW			23.8

CONCLUSIONS OF LAW

The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 41993 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

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).

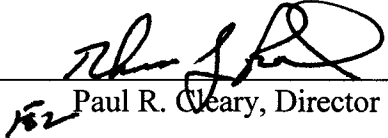
Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

ORDER

IT IS HEREBY ORDERED:

1. Certificate 41993 is canceled.
2. The water right described by Certificate 41993 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 80446, a new and superseding certificate, to confirm the dimunition of the right

Dated October 20, 2003.



Paul R. Veary, Director