

**Before the Water Resources Director
Baker County Oregon**

FINAL ORDER

Pursuant to ORS 541.329, District Water Rights Mapping Provision, a petition requesting approval and acceptance of a petitioner's maps showing the present location and use of water rights within the petitioned area was submitted to the Water Resources Department on June 17, 1993, by the Powder Valley Water Control District. Subsequently, portions of the original petition were separated into individual petition requests pursuant to ORS 541.327. This order addresses that portion as petitioned by the individual petitioner:

**James P. Ingram (L.M. &M.S. Ingram Trust)
Route 1 Box 124
Haines, OR 97833**

The rights to be modified are portions of those rights evidenced by Certificates 43541 and 45594. These rights allow the use of the waters of Rock Creek and Sand Creek, tributaries of Powder River a tributary of Snake River for IRRIGATION of 295.01 acres as listed below in TABLE 1:

TABLE 1

Rights to be modified by this order

Certificate 43541 - April 28, 1881 and 1890

Twp	Rng	Sec	¼ ¼	Modified acres	Use	Source
7S	39E	20	SWSW	1.80	IR	Rock Creek
7S	39E	20	SESW	0.90	IR	Rock Creek
7S	39E	20	SWSE	1.80	IR	Rock Creek
7S	39E	20	SESE	30.70	IR	Rock Creek
7S	39E	21	SWSW	35.41	IR	Rock Creek
7S	39E	28	NWNW	31.80	IR	Rock Creek
7S	39E	28	SWNW	28.10	IR	Rock Creek
7S	39E	29	NENE	7.40	IR	Rock Creek
7S	39E	29	SENE	15.50	IR	Rock Creek
7S	39E	28	NWSW	17.90	IR	Sand Creek
7S	39E	28	SWSW	5.60	IR	Sand Creek
7S	39E	29	SESE	40.00	IR	Sand Creek
7S	39E	29	NESE	40.00	IR	Sand Creek

Certificate 45594 - April 28, 1881

Twp	Rng	Sec	¼ ¼	Modified acres	Use	Source
7S	39E	28	NWSW	11.10	IR	Rock Creek
7S	39E	28	SWSW	27.00	IR	Rock Creek
TOTAL				295.01 acres		

The petitioner seeks certificates confirming the present place of use and uses described below in TABLE 2:

TABLE 2
Requested Location and Use (the Petition)

Priority	POD	Use	Acres	¼ ¼	Sec	Twp	Rng	Source
1881	#2	IR	2.7	SESE	29	7S	39E	Sand Creek
1881	#3	IR	18.1	SESE	20	7S	39E	Rock Creek
1881	#3	IR	21.7	SWSW	21	7S	39E	Rock Creek
1881	#3	IR	25.4	NWNW	28	7S	39E	Rock Creek
1881	#3	IR	22.6	SWNW	28	7S	39E	Rock Creek
1881	#3	IR	6.3	SWNW	28	7S	39E	Rock Creek
1881	#3	IR	8.1	NWSW	28	7S	39E	Rock Creek
1881	#3	IR	11.2	NENE	29	7S	39E	Rock Creek
1881	#3	IR	14.0	SENE	29	7S	39E	Rock Creek
1881	#3	IR	1.5	SENE	29	7S	39E	Rock Creek
1881	#3	IR	8.0	NESE	29	7S	39E	Rock Creek
1890	#3	IR	23.2	NWSW	28	7S	39E	Rock Creek
1890	#3	IR	26.4	SWSW	28	7S	39E	Rock Creek
1890	#3	IR	32.0	NESE	29	7S	39E	Rock Creek
1890	#3	IR	35.6	SESE	29	7S	39E	Rock Creek
TOTAL			256.8 acres					

In the proposed order two items were mistakenly omitted: 1) In table 1 under Certificate 43541, 1890 was omitted as a priority date. 2) In table 2, 6.3 acres in the SW¼NW¼, Section 28, Township 7 South, Range 39 East, from Rock Creek was omitted, but the total acres was correct. These items have been corrected herein.

The points of diversion locations for petitioned areas are described as follows:

Diversion Point #2 - Coles Ditch No. 2 from Sand Creek: 960 feet South and 1720 feet West from the northeast corner Section 31, Township 7 South, Range 39 East, W.M.

Diversion Point #3 - Coles Ditch No. 1 from Rock Creek: 950 feet North and 500 feet West from the center corner Section 36, Township 7 South, Range 38 East, W.M. (See map in Exhibit ID).

Of the 295.01 acres to be modified by this order, 38.21 acres are no longer irrigated and the owners, by petition and an affidavit, have requested that the same be canceled. The rights to be canceled are listed below in TABLE 3:

TABLE 3
Rights to be Canceled

Township	Range	Section	1/4 1/4	No. of acres irrigated	Use
7 South	39 East	20	SWSW	1.80	IR
7 South	39 East	20	SESW	0.90	IR
7 South	39 East	20	SWSE	0.90	IR
7 South	39 East	20	SESE	12.60	IR
7 South	39 East	21	SWSW	13.71	IR
7 South	39 East	28	NWNW	8.20	IR
7 South	39 East	28	SWSW	0.10	IR
TOTAL				38.21 acres	

FINDINGS

The Director has examined the petition and map of James P. Ingram and the Report of Findings prepared by Department staff. The petition and Report of Findings are on file at the Water Resources Department. Based on the examination and report, the Director finds:

1. James P. Ingram filed an individual petition and map in a timely manner, as required by ORS 541.327.
2. James P. Ingram is an individual petitioner within the service boundaries of the Powder Valley Water Control District. The petitioned lands are served by Coles Ditches No. 1 and 2, formed prior to 1917, and are qualifying organizations as defined in ORS 541.325.
3. The content and quality of James P. Ingram's petition and map meet the requirements of ORS 541.329.
4. The acreage petitioned is within the limits of the eligible water rights and the limits set in ORS 541.331(4).
5. James P. Ingram has met the notice requirements of ORS 541.329(5).
6. No protests pursuant to ORS 541.311(1) were filed.
7. No comments pursuant to OAR 690-13-310 (4) were received.
8. The proposed changes may be made without injury to existing water rights.

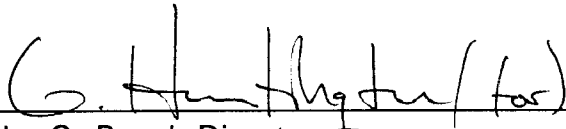
9. Baker County, the owner of a portion of those rights listed in TABLE 3, has certified under oath that they desire the cancellation of 3.6 acres of their right.
10. Sand Creek is a distributary of Rock Creek and the water can be effectively regulated between the streams.
11. The original irrigation season, rate, and all other conditions and limitations contained in the Powder River Decree shall remain in effect for all rights petitioned.
12. James P. Ingram has met the requirements of ORS 541.325 to 541.333 for issuance of new certificates confirming the present use and place of use of the petitioned water rights.

THEREFORE, it is hereby **ORDERED** that:

1. The petition and map filed by James P. Ingram is accepted and approved.
2. Certificates 43541 and 45594 are canceled.
3. A new certificate of water right conforming to the approved petition for the irrigation of 256.8 acres, as listed in TABLE 2, shall be issued to James P. Ingram.
4. Remaining right certificates shall be issued for those portions of certificates 43451 and 45594 not modified by this order.
5. The right to irrigate those lands listed in TABLE 3, pursuant to ORS 541.325-541.333 and ORS 540.621, is canceled.
6. The original irrigation season, rate, and all other conditions and limitations contained in the Powder River Decree shall remain in effect for all rights.

WITNESS the signature of the Oregon Water Resources Director, affixed

March 25, 1996.



Martha O. Pagel, Director