

**Before the Water Resources Director
Baker County**

FINAL ORDER

Pursuant to ORS 541.329, District Water Rights Mapping Provision, a petition requesting approval and acceptance of a petitioner's map showing the present location and use of water rights within the petitioned area was submitted to the Oregon Water Resources Department on June 17, 1993, by 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 petitioned by the individual co-petitioner:

**Gerald Loennig
Rt. 1 Box 47 G
North Powder, OR 97867**

The Rights to be modified are portions of certificates 1468 and 51836 of the State record of Water Right Certificates. These rights allow use of the waters of the North Powder River, tributary to Powder River, for DOMESTIC, STOCK and the IRRIGATION OF 120.7 acres as listed below in **Table 1**.

**Table 1
Rights to be modified by this order**

Certificate	Priority	Township South	Range East	Section	¼ ¼	Use	Acres
1468	1870	6	38	33	NESW	I*	40.0
1468	1870	6	38	33	NWSW	I*	40.0
1468	1870	6	38	33	SESW	I*	7.0
51836	1884	6	38	32	NENE	I*	3.0
51836	1884	6	38	32	NESE	I*	23.0
51836	1884	6	38	32	NWSE	I*	3.2
51836	1884	6	38	32	SWSE	I*	1.5
51836	1884	6	38	32	SESE	I*	3.0
Total=							120.7

Note: the lands in Table 1 with irrigation priority date 1870 have domestic and stock water rights with priority date of 1862.

The petitioner requests certificates confirming the present place of use and uses listed below in **Table 2**.

TABLE 2
Requested Location and Use (the Petition)

Priority	Use	Acres	¼ ¼	Section	Township South	Range East	POD
1862	D	0	NW¼ SW¼	33	6	38	1
1870	IL	39.1	NE¼ SW¼	33	6	38	1
1870	IL	26.4	NW¼ SW¼	33	6	38	1
1870	IL	7.0	SE¼ SW¼	33	6	38	1
1870	IL	0.9	SW¼ SW¼	33	6	38	1
1870	IL	4.8	NE¼ SE¼	32	6	38	1
1870	IL	0.2	NW¼ SE¼	32	6	38	1
1870	IL	1.1	SE¼ SE¼	32	6	38	1
1870	IL	1.9	SW¼ SE¼	32	6	38	1
1870	IL	5.2	NW¼ SW¼	33	6	38	1
1884	IL	3.2	NE¼ SE¼	32	6	38	1
1870	IL	0.4	NW¼ SW¼	33	6	38	2
1884	IL	17.3	NE¼ SE¼	32	6	38	2
1884	IL	3.0	NW¼ SE¼	32	6	38	2
1884	IL	10.1	SE¼ NE¼	32	6	38	2
1884	IL	0.1	SW¼ SE¼	32	6	38	2
Total=		120.7					

Note: The land with 1870 irrigation priority has 1862 priority stock water rights.

The points of diversion are described and located as follows:

- POD # 1: Hutchinson Hillside Ditch - being within the NW¼ NE¼, Sec. 5, T. 7 S., R. 38 E., W.M.; 140 feet South and 2380 feet West from the NE corner, Sec. 5.
- POD # 2: Powers Ditch - being within the SW¼ SE¼, Sec. 32, T. 6 S., R. 38 E., W.M.; 1030 feet North and 1660 feet West from the SE corner, Sec. 32.

FINDINGS

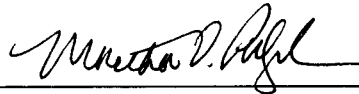
The Director has examined the petition and map of Gerald Loennig, and a Report of Findings prepared by Department staff. The petition and the Report of Findings are on file at the Water Resources Department. Based on the examination and report, the Director finds:

1. Gerald Loennig filed an individual co-petition and map in a timely manner, as required by ORS 541.327.
2. Gerald Loennig is an individual co-petitioner within the service boundaries of the Powder Valley Water Control District. The petitioned lands are served by Hutchinson Hillside and Powers Company Ditches, both formed prior to 1917, and are qualifying organizations as defined in ORS 541.325.
3. The content and quality of Gerald Loennig'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. Gerald Loennig has met the notice requirements of ORS 541.329(5).
6. No protests pursuant to ORS 541.311(1) were filed.
7. The proposed changes may be made without injury to existing water rights.
8. The original irrigation season, rate, duty and all other conditions and limitations contained in the North Powder River Decree shall remain in effect for all rights petitioned.
9. Gerald Loennig 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.
10. Gerald Loennig has authorized cancellation of the domestic use portion of all water rights petitioned except the 1862 priority use in the NW¹/₄ SW¹/₄, Sec. 33, T. 6 S., R. 38 E., W.M.

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

1. The petition and map submitted by Gerald Loennig are accepted and approved.
2. Certificates 1468 and 51836 are canceled.
3. A certificate confirming the present use and place of use of water rights, as listed in **TABLE 2**, shall be issued.
4. Remaining right certificates shall be issued for the affected rights not modified by this order or modified by other orders approving petitions pursuant to ORS 541.329.
5. The original season, rate, duty, and all other conditions and limitations contained in the North Powder Decree shall remain in effect for all rights.
6. The domestic use allowed by the water rights of record are canceled on the petitioned lands except for the 1862 priority use as listed in **TABLE 2**.

WITNESS the signature of the Oregon Water Resources Director, affixed April 15, _____, 1996.



Martha O. Pagel, Director