

**Before the Water Resources Director  
Baker County**

**FINAL ORDER**

Pursuant to ORS 541.327, District Water Rights Mapping Provision, a petition requesting approval and acceptance of an individual co-petitioner's map within the boundaries of a qualifying organization showing the location and use of all 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 as petitioned by the individual co-petitioner:

**Richard Stephens  
RFD #1  
Haines, OR 97833**

The right to be modified is a portion of certificate 1469, as previously modified by Special Order Vol. 31 Page 139 approving Transfer 3889, of the State record of Water Right Certificates. This right allows the use of the waters of the North Powder River, tributary to Powder River, for DOMESTIC, STOCK and the IRRIGATION OF 107.1 acres as listed below in **Table 1**.

**TABLE 1**

Rights to be modified by this order

Cert.	Priority	Twp	Range	Section	¼ ¼	Use	Acres
1469	1871 &1882	6 South	38 East	33	NESE	I*	40.0
1469	1871 &1882	6 South	38 East	33	NWSE	I*	39.1
1469	1871 &1882	6 South	38 East	33	SESE	I*	28.0

I\* designates Irrigation, Stock and Domestic uses.

**TOTAL =107.1**

The co-petitioner seeks a certificate 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	Range
1871	IL	37.5	NESE	33	6 South	38 East
1882	IL	0.5	NESE	33	6 South	38 East

1871	IL	18.6	NWSE	33	6 South	38 East
1882	IL	19.9	NWSE	33	6 South	38 East
1871	IL	27.7	SESE	33	6 South	38 East
1882	IL	2.9	SESE	33	6 South	38 East
Total acreage		107.1	IL = Irrigation & Stock			

**The point of diversion location for petition areas is described as follows:**

Hutchinson Hillside Ditch - NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 5, Township 7 South, Range 38 East, W.M.; 140 feet South and 2380 feet West from the NE corner of Section 5.

Domestic rights are no longer used and the owner, by petition, has requested that the same be canceled.

**FINDINGS**

The Director has examined the petition of Richard Stephens 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. Richard Stephens filed an individual co-petition and map in a timely manner, as required by ORS 541.327.
2. Richard Stephens is an individual co-petitioner within the Powder Valley Water Control District. The petitioned land is served by the Hutchinson Hillside Ditch Company, formed prior to 1917, and is a qualifying organization as defined in ORS 541.325.
3. The content and quality of Richard Stephens' 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. No new points of diversion would be created as a result of the petition.
6. The proposed changes may be made without injury to existing water rights.
7. The original irrigation season, rate, duty and all other conditions and limitations contained in the North Powder River Decree shall remain in effect for the right petitioned.
8. Richard Stephens 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 portion of the water right.
9. Richard Stephens has authorized the cancellation of the domestic portion of the portion of the water right petitioned.
10. Richard Stephens has met the notice requirements of ORS 541.329 (5).

11. No protests pursuant to ORS 541.311 (1) were filed.
12. No comments pursuant to OAR 690-13-310 (4) were received.

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

1. The petition and map filed by Richard Stephens is accepted and approved.
2. Certificate 1469 as modified by Special Order Vol. 3 Page 413, Special Order Vol. 10 Page 295, Special Order Vol. 31 Pg. 139, and Special Order Vol. 32 Pg. 582 is canceled.
3. A new certificate confirming the present use and place of use for 107.1 acres, as listed in **TABLE 2** shall be issued to Richard Stephens.
4. The new certificate confirming the petition shall also confirm completed transfer 3889 recorded in Special Order Vol. 31 Pg. 139.
5. The domestic portion of Certificate 1469 on the lands involved in this petition is canceled.
6. The portion of certificate 1469 unaffected by this petition shall be issued either a remaining right certificate or certificate(s) confirming those portions successfully petitioned by other HB3111/SB129 petitioners and/or to confirm the previously approved transfers as evidenced by Special Order Vol. 3 Page 413, Special Order Vol. 10 Page 295, and Special Order Vol. 32 Page 582.
7. The original irrigation season, rate, duty, and all other conditions and limitations contained in the North Powder Decree shall remain in effect for all rights.

WITNESS the signature of the Oregon Water Resources Director, affixed

May 15, 1996 \_\_\_\_\_

  
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Martha O. Pagel  
Oregon Water Resources Director