

BEFORE THE WATER RESOURCES DIRECTOR

BAKER COUNTY OREGON

FINAL ORDER

Pursuant to ORS 541.329, (District Water Rights Mapping Provision), a co-petition with Powder Valley Water Control District requesting approval and acceptance of the 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 the co-petitioner:

Tommy Duncan
PO Box 37
Haines, OR 97833

The Water Right Certificates petitioned are all of the Rights of Record evidenced by Water Right Certificates, hereinafter called Rights of Record, numbered 2216 and 63767 of the State Record of Water Right Certificates. Certificate 63767 is modified by Special Order Volume 50, Page 707. The Rights of Record allow use of the waters North Powder River and Big Muddy Creek, tributaries of Powder River, tributaries to the Snake River for the irrigation of **88.0** acres.

The rights to be modified as a result of the petition and requested cancellations are listed in **TABLE 1**.

TABLE 1
Rights to be Modified by This Order

CERT	ACRES	DATE	SOURCE	¼	¼	Sec	T(S)	R(E)	Use
02216	23.00	3/24/1916	North Powder River	NE	NE	20	7	39	IR
02216	11.00	3/24/1916	North Powder River	NW	NW	21	7	39	IR
63767	40.00	1886	Big Muddy Creek	SE	NW	20	7	39	IR
63767	14.00	1900	Big Muddy Creek	SE	NE	20	7	39	IR
Total Acres	88.00								

The petitioner requests a change in the place of use **88.00** acres of primary irrigation as listed in **TABLE 2**.

TABLE 2
Requested Place of Use

ACRES	DATE	SOURCE	¼	¼	Sec	T(S)	R(E)	Tax Lot	POD	Use
23.60	3/24/1916	North Powder River	NE	NE	20	7	39	3700	1	IR
2.30	3/24/1916	North Powder River	NW	NE	20	7	39	3700	1	IR
2.70	3/24/1916	North Powder River	SE	NE	20	7	39	3700	1	IR
4.50	3/24/1916	North Powder River	NW	NW	21	7	39	3700	1	IR

ACRES	DATE	SOURCE	¼	¼	Sec	T(S)	R(E)	Tax Lot	POD	Use
0.90	3/24/1916	North Powder River	SW	NW	21	7	39	3700	1	IR
1.80	1886	Big Muddy Creek	NE	NW	20	7	39	3700	2	IR
38.20	1886	Big Muddy Creek	SE	NW	20	7	39	3700	2	IR
2.70	1900	Big Muddy Creek	SW	NE	20	7	39	3700	2	IR
11.30	1900	Big Muddy Creek	NW	SE	20	7	39	3700	2	IR
88.00	Total acres									

No portion of the rights listed in **Table 1** have been requested canceled.

The authorized points of diversion are:

POD 1: North Powder R: Mansfield Ditch: 1370 feet North and 2900 feet West from Southeast Corner Section 19, Township 7 South, Range 38 East, W.M.


POD 2: Big Muddy Creek: Long Eilertson Ditch: 2640 feet South and 150 feet East from Northwest Corner Section 20, Township 7 South, Range 39 East, W.M.

The Director has examined the petition and map of Tommy Duncan and the Report of Findings prepared by Department staff. Based on the examination and report, the Director has determined that Tommy Duncan has met the requirements of ORS 541.325 to 541.333.

NOW THEREFORE, it is hereby ORDERED:

- ▶ That Tommy Duncan's petition and map are accepted and approved.
- ▶ That Rights of Record numbered 2216 and 63767, as modified by Special Order Volume 50, Page 707, of the State Record of Water Right Certificates are canceled.
- ▶ That confirming certificates of water right conforming to the approved petition, for the irrigation of **88.00** acres.
- ▶ That there are no cancellations pursuant to ORS 540.621.
- ▶ That there are no remaining right certificates to be issued.

WITNESS the signature of the Water Resources Director, affixed 4/7/98.


 Martha O. Pagel, Director