

**Before the Water Resources Director  
Baker County**

**FINAL ORDER**

Pursuant to ORS 541.329, a petition requesting approval and acceptance of 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 as petitioned by the individual petitioner:

**Douglas Stanford  
Route 1 Box 66 A  
North Powder, Or. 97867**

The water right certificates petitioned are portions of, or all of, the Rights of record evidenced by the water right certificates, numbered, 1494, 4823, 35203, 48994 and 51173 of the State Record of Water Right Certificates. The water right certificates allow use of the waters of North Powder River, Powder River, Waste water draining into a pond and two wells.

The rights to be modified are:

**Table 1**

Cert.	Priority	¼ ¼	Sec	Twp.	Range	Use	Source	Acres
1494	*	NENW	35	6 South	39 East	I*	North Powder River	40.0
1494	*	NWNW	35	6 South	39 East	I*	North Powder River	40.0
1494	*	SWNW	35	6 South	39 East	I*	North Powder River	40.0
1494	*	SENW	35	6 South	39 East	I*	North Powder River	40.0
1494	*	NENE	34	6 South	39 East	I*	North Powder River	40.0
1494	*	NWNE	34	6 South	39 East	I*	North Powder River	40.0
1494	*	SWNE	34	6 South	39 East	I*	North Powder River	38.0
1494	*	SENE	34	6 South	39 East	I*	North Powder River	30.0
1494	*	NESW	34	6 South	39 East	I*	North Powder River	19.0
1494	*	NWSW	34	6 South	39 East	I*	North Powder River	38.0
1494	*	SWSW	34	6 South	39 East	I*	North Powder River	25.0
1494	*	NWSE	34	6 South	39 East	I*	North Powder River	5.5
1494	*	NESE	34	6 South	39 East	I*	North Powder River	11.0
4823	7/26/1916	NESW	34	6 South	39 East	IR	North Powder River and waste water	24.0
4823	7/26/1916	NWSW	34	6 South	39 East	IR	North Powder River and waste water	2.0

4823	7/26/1916	SWSW	34	6 South	39 East	IR	North Powder River and waste water	15.0
4823	7/26/1916	SESW	34	6 South	39 East	IR	North Powder River and waste water	40.0
4823	7/26/1916	NESE	34	6 South	39 East	IR	North Powder River and waste water	29.0
4823	7/26/1916	NWSE	34	6 South	39 East	IR	North Powder River and waste water	34.5
4823	7/26/1916	SWSE	34	6 South	39 East	IR	North Powder River and waste water	40.0
4823	7/26/1916	SESE	34	6 South	39 East	IR	North Powder River and waste water	40.0
48994	1883	SWSE	35	6 South	39 East	IR	Powder River	5.5
51173	1899	NESW	35	6 South	39 East	IR	North Powder River	39.0
51173	1899	NWSW	35	6 South	39 East	IR	North Powder River	27.0
51173	1899	SWSW	35	6 South	39 East	IR	North Powder River	8.0
51173	1899	SESW	35	6 South	39 East	IR	North Powder River	40.0

**Total Primary 750.5**

\* Denotes 150 acres of 1888 priority and 256.5 acres of 1890 priority.

Cert.	Priority	¼ ¼	Sec.	Township	Range	Use	Source	Acres
35203	5/20/1964	SWNW	35	6 South	39 East	IS	Well # 1 and 2	18.0
35203	5/20/1964	SENW	35	6 South	39 East	IS	Well # 1 and 2	41.0
35203	5/20/1964	SWSE	28	6 South	39 East	IS	Well # 1 and 2	12.0
35203	5/20/1964	SESE	28	6 South	39 East	IS	Well # 1 and 2	0.2
35203	5/20/1964	NENE	33	6 South	39 East	IS	Well # 1 and 2	30.8
35203	5/20/1964	NWNE	33	6 South	39 East	IS	Well # 1 and 2	39.6
35203	5/20/1964	NENE	34	6 South	39 East	IS	Well # 1 and 2	37.4
35203	5/20/1964	NWNE	34	6 South	39 East	IS	Well # 1 and 2	40.0
35203	5/20/1964	SWNE	34	6 South	39 East	IS	Well # 1 and 2	3.2
35203	5/20/1964	SENE	34	6 South	39 East	IS	Well # 1 and 2	0.2
35203	5/20/1964	NENW	34	6 South	39 East	IS	Well # 1 and 2	38.0
35203	5/20/1964	NWNW	34	6 South	39 East	IS	Well # 1 and 2	33.6
35203	5/20/1964	SWNW	34	6 South	39 East	IS	Well # 1 and 2	18.6
35203	5/20/1964	SENW	34	6 South	39 East	IS	Well # 1 and 2	17.6
35203	5/20/1964	NWNE	35	6 South	39 East	IS	Well # 1 and 2	15.2
35203	5/20/1964	SWNE	35	6 South	39 East	IS	Well # 1 and 2	9.7
35203	5/20/1964	NENW	35	6 South	39 East	IS	Well # 1 and 2	41.0
35203	5/20/1964	NWNW	35	6 South	39 East	IS	Well # 1 and 2	36.8

**Total Supplemental 432.9**

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	¼ ¼	Sec.	Township	Range	Use	Source	Acres
1888	NESE	34	6 South	39 East	IL	North Powder River	40.0
1888	NWSE	34	6 South	39 East	IL	North Powder River	36.5
1888	SWSE	34	6 South	39 East	IL	North Powder River	34.4
1888	SESE	34	6 South	39 East	IL	North Powder River	39.1
1890	NENE	34	6 South	39 East	IL	North Powder River	40.0
1890	NWNE	34	6 South	39 East	IL	North Powder River	39.1
1890	SWNE	34	6 South	39 East	IL	North Powder River	35.0
1890	SENE	34	6 South	39 East	IL	North Powder River	40.0
1890	NWNW	35	6 South	39 East	IL	North Powder River	18.6
1890	SWNW	35	6 South	39 East	IL	North Powder River	38.1
1890	SWSW	35	6 South	39 East	IL	North Powder River	3.1
1890	NWSW	35	6 South	39 East	IL	North Powder River	40.0
1890	NWSE	34	6 South	39 East	IL	North Powder River	2.6
1899	NESW	35	6 South	39 East	IR	North Powder River	24.4
1899	SESW	35	6 South	39 East	IR	North Powder River	39.1
1899	SWSE	35	6 South	39 East	IR	North Powder River	5.5
1899	SWSW	35	6 South	39 East	IR	North Powder River	36.0
1899	NESW	34	6 South	39 East	IR	North Powder River	5.2
1899	SENW	35	6 South	39 East	IR	North Powder River	3.8
7/26/1916	NWSW	34	6 South	39 East	IR	North Powder River and waste water	40.0
7/26/1916	SWSW	34	6 South	39 East	IR	North Powder River and waste water	37.8
7/26/1916	SESW	34	6 South	39 East	IR	North Powder River and waste water	39.1
7/26/1916	NESW	34	6 South	39 East	IR	North Powder River and waste water	33.9

**Total Primary 671.3**

5/20/1964	SWNW	35	6 South	39 East	IS	Well # 1 and 2	38.1
5/20/1964	SENW	35	6 South	39 East	IS	Well # 1 and 2	3.8
5/20/1964	NWSW	35	6 South	39 East	IS	Well # 1 and 2	40.0
5/20/1964	NESW	35	6 South	39 East	IS	Well # 1 and 2	24.4
5/20/1964	SESW	35	6 South	39 East	IS	Well # 1 and 2	1.3
5/20/1964	NENE	34	6 South	39 East	IS	Well # 1 and 2	40.0
5/20/1964	NWNE	34	6 South	39 East	IS	Well # 1 and 2	39.1
5/20/1964	SWNE	34	6 South	39 East	IS	Well # 1 and 2	35.0

5/20/1964	SENE	34	6 South	39 East	IS	Well # 1 and 2	40.0
5/20/1964	NESE	34	6 South	39 East	IS	Well # 1 and 2	40.0
5/20/1964	NWSE	34	6 South	39 East	IS	Well # 1 and 2	39.1
5/20/1964	SWSE	34	6 South	39 East	IS	Well # 1 and 2	34.4
5/20/1964	SESE	34	6 South	39 East	IS	Well # 1 and 2	39.1
5/20/1964	NWNW	35	6 South	39 East	IS	Well # 1 and 2	18.6

**Total Supplemental      432.9**

**The points of diversion for the petitioned areas are described as follows**

- Div. Pt. # 1      Smith McPhee and Tanner Ditch: 1410 feet North and 570 feet East from the SW Corner of Section 32, Township 6 South, Range 39 East, W.M.; being within the NW ¼ of the SW ¼ of Section 32.
- Div. Pt. # 2      McPhee Ditch: 910 feet South and 340 feet East from the NW Corner of Section 33, Township 6 South, Range 39 East, W.M.; being within the NW ¼ of the NW ¼ of Section 33.
- Div. Pt. # 3      Waste Water draining into a pond: 550 feet North and 900 feet East from the SW¼ of Section 34, Township 6 South, Range 39 East, W.M; being within the SW¼ of the SW¼ of Section 33.
- Div. Pt. # 4      Well # 1: 660 feet South and 10 feet East from the N.¼ Corner of Section 33, Township 6 South, Range 39 East, W.M.; being within the NW ¼ of the NE ¼ of Section 33.
- Div. Pt. # 5      Well # 2: 1260 feet South and 1650 feet East from the N.¼ Corner of Section 33, Township 6 South, Range 39 East, W.M.; being within the NE ¼ of the NE ¼ of Section 33.

Seventy nine and two tenths acres of water rights are no longer used and Douglas Standford, by petition, has requested that they be canceled.

**Table 3**  
Rights to be canceled by this order

Cert.	Priority	¼ ¼	Sec.	Township	Range	Use	Source	Acres
4823	7/26/1916	NWSE	34	6 South	39 East	IR	North Powder River and waste water	34.5
4823	7/26/1916	SWSE	34	6 South	39 East	IR	North Powder River and waste water	39.2
48994	1883	SWSE	35	6 South	39 East	IR	Powder River	5.5

**Total      79.2**

Domestic rights under certificate 1494 on the petitioned lands are no longer used and the owner, by petition, has requested that the same be canceled.

### **FINDINGS**

The Director has examined the petition of Douglas Stanford 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. Douglas Stanford filed an individual co-petition and map in a timely manner, as required by ORS 541.327.
2. Douglas Stanford is an individual co-petitioner within the Powder Valley Water Control District. The petitioned land is served by the Smith McPhee and Tanner Ditch Company and the McPhee Ditch Company both formed prior to 1917, and are qualifying organizations as defined in ORS 541.325.
3. The content and quality of Douglas Stanford'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. The proposed changes may be made without injury to existing water rights.
6. The original irrigation season, rate, duty and all other conditions and limitations contained in the original water rights will remain in effect for all the rights petitioned.
7. Douglas Stanford 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 portions of the water rights.
8. Douglas Stanford has authorized the cancellation of portions of Water Right certificates 482 and 48994, as listed in Table 3.
9. Douglas Stanford has authorized the cancellation of the domestic portion of certificate 1494.
10. No new points of diversion would be created as a result of the petition.
11. The proposed changes were published as required under OAR 690-13-310.
12. No comments or protests were filed against the approval of the petition.

THEREFORE, it is hereby **ORDERED**:

1. That the petition and map filed by Douglas Stanford is accepted and approved.
2. That certificates 1494, 4823, 35203, 48994 and 51173 are canceled.
3. That new certificates confirming the present use and place of use as listed in TABLE 2 shall be issued to Douglas Stanford.
4. That remaining right certificates shall be issued for those portions of certificates 51173 and 48994 not modified by this order.
5. That the domestic portion of certificate 1494 is canceled.
6. That the rights to irrigate those lands listed in TABLE 3 shall be, pursuant to ORS 541.325 to 541.33 and ORS 540.621, canceled.
7. That the original irrigation season, rate, duty, and all other conditions and limitations contained in the original certificates of water right remain in effect.

WITNESS the signature of the Oregon Water Resources Director, affixed

APR 10 1997



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Martha O. Pagel, Oregon Water Resources Director