

**Before the Water Resources Director
Baker County**

FINAL ORDER

Pursuant to ORS 541.327, a petition requesting approval and acceptance of an individual petitioner's map showing the present location and use of water rights within the boundaries of a qualifying organization was submitted to the Oregon Water Resources Department on June 29, 1993, by the petitioner:

**John Wright
Route 1 Box
Richland, OR 97870**

The water rights to be modified are portions of water right certificates numbered 4608, 4679, 49625, 56454 and 56452 of the State Record of Water Right Certificates. The water right certificates allow use of the waters of Eagle Creek, Little Eagle Creek, Conundrum Spring, Summit Creek and Crater Lake Reservoir for irrigation and supplemental irrigation, of 7801.55 acres. The rights to be modified are listed in detail in **Table 1**.

Rights to be modified by this order

Table 1

Certificate	Priority	Twp. (S)	Rng. (E)	Section	¼ ¼	No. of acres	Source	Use	Ditch
4608	1877	4	45	4	SENE	11.0	Eagle Creek	IR	Newt Young
4679	1877	9	45	4	NWNE	9.0	Eagle Creek	IR	Newt Young
4679	1877	9	45	4	SWNE	3.0	Eagle Creek	IR	Newt Young
49625	1883	9	45	10	SENE	25.9	Eagle Creek	IR	Newt Young
56454	1877	9	45	4	NENE	6.0	Eagle Creek	IR	Newt Young
56454	1877	9	45	4	NWNE	7.5	Eagle Creek	IR	Newt Young

Total Primary 62.4

Certificate	Priority	Twp. (S)	Rng. (E)	Section	¼ ¼	No of Acres	Source	Use	Ditch
56452	12/28/1962	9	45	10	SENE	23.8	Crater Lk.Res.	IS	Newt Young
56452	12/28/1962	9	45	4	NWNE	8.4	Crater Lk.Res.	IS	Newt Young
56452	12/28/1962	9	45	4	SENE	8.8	Crater Lk.Res.	IS	Newt Young
56452	12/28/1962	9	45	4	NENE	6.0	Crater Lk.Res.	IS	Newt Young

Total Supplemental 47.0

*See V53
P 384*

The petitioner seeks a certificate confirming the present place of use and uses listed below in **Table 2**.

TABLE 2

Certificate	Priority	Township	Range	Section	¼ ¼	Acres	Source	Tax Lot	Use	Ditch
4608	1877	9 South	45 East	4	NE NE	0.2	Eagle Creek	800	IR	Newt Young
4608	1877	9 South	45 East	4	SE NE	10.8	Eagle Creek	800	IR	Newt Young
4679	1877	9 South	45 East	4	NE NE	1.8	Eagle Creek	800	IR	Newt Young
4679	1877	9 South	45 East	4	NW NE	10.2	Eagle Creek	800	IR	Newt Young
49625	1883	9 South	45 East	10	SE NE	23.8	Eagle Creek	200	IR	Newt Young
56454	1877	9 South	45 East	4	NE NE	13.5	Eagle Creek	800	IR	Newt Young

Total Primary 60.3

Certificate	Priority	Township	Range	Section	¼ ¼	Acres	Source	Tax Lot	Use
56452	12/28/1962	9 South	45 East	10	SE NE	23.8	Crater Lake Reservoir	200	IS
56452	12/28/1962	9 South	45 East	4	NE NE	1.8	Crater Lake Reservoir	800	IS
56452	12/28/1962	9 South	45 East	4	NW NE	10.2	Crater Lake Reservoir	800	IS
56452	12/28/1962	9 South	45 East	4	NE NE	11.2	Crater Lake Reservoir	800	IS

Total Supplemental 47.0

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

Newt Young Ditch from Eagle Creek- 1950 feet South and 1400 feet East from the NW corner Section 33, Township 8 South, Range 45 East, W.M; being within the SE¼ of the NW¼ of Section 33, Township 8 South, Range 45 East, W.M.

Crater Lake Reservoir- Located within Section 12, Township 6 South, Range 44 East, W.M.

One and nine tenths acres of Certificate 49625 is no longer irrigated and should be canceled as authorized by the owner. The land affected is listed in **Table 3**.

Table 3

Certificate	Priority	¼ ¼	Section	Township. (S)	Range (E.)	Use	Source	Acres
49625	1883	SENE	10	9	45	IR	Eagle Creek	1.9

FINDINGS

The Director has examined the petition of John Wright 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:

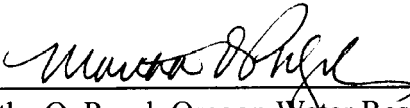
1. John Wright filed an individual petition and map in a timely manner, as required by ORS 541.327.
2. JohnWright is an individual petitioner within the Newt Young Ditch Company. The petitioned land is served by the Newt Young Ditch Company which was formed prior to 1917, and is the qualifying organization as defined in ORS 541.325.
3. The content and quality of John Wright'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. Certificate 49625 contains errors inadvertently entered into the official record when it was issued as a remaining right certificate as a result of the order entered at Vol.33, page 310-312, approving Transfer 4450.
8. John Wright 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.
9. The right to irrigated those lands listed in Table 3, pursuant to ORS 540.621, has been authorized by Baker County to be canceled.
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 objections were filed against the approval of the petition.

THEREFORE, it is hereby ORDERED:

1. That the petition and map filed by John Wright be accepted and approved.
2. That certificates 4608, 4679, 49625, 56454 and 56542 be canceled.
3. That new certificates confirming the present use and place of use as listed in TABLE 2 be issued to John Wright.
4. That remaining right certificates be issued for those portions of certificates 4608, 4679, and 56454 not modified by this order or any other order issued pursuant to ORS 541.325 to 541.333.

5. That a remaining right be issued for Certificate 49625 that accurately reflects the portion of prior Certificate 4676 that was not modified by the provisions of the order recorded at Volume 33, Page 310-312, approving transfer 4450 and this order.
6. That a new certificate of water right be issued with a priority date of December 28, 1962 (formerly water right certificate 56452) conforming to this petition and any approved petitions filed by Dan L. Forsea, the Waterbury-Allen, Dry Gulch and Tobin Ditch Companies.
7. That the rights to irrigate those lands listed in TABLE 3 be, pursuant to ORS 540.621, canceled.
8. 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
April 15, 1997.



Martha O. Pagel, Oregon Water Resources Director