

**Before the Water Resources Director
Baker County Oregon**

FINAL ORDER

Pursuant to ORS 541.327, a petition requesting approval and acceptance of an individual co-petitioner's map showing the present location and use of water rights within the petitioned area was submitted to the 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:

**Dennis Spence
Rural Route 1
Haines, OR 97833**

The Rights to be modified are a portion of Certificate 63770 and Certificate 4169 of the State Record of Water Right Certificates. These rights allow the use of the waters of Rock Creek, tributary to Powder River for irrigation as listed below in TABLE 1:

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

Cert.	Priority	Source	Use	Acres	Qtr Qtr	Sec.	Twp	Range
63770	1879	Rock Cr	Irr	38.9	SW¼ SE¼	26	7 South	38 East
4169	1896	Rock Cr	Irr	1.0	SE¼ NE¼	34	7 South	38 East
TOTAL				39.9				

The co-petitioner requests a certificate confirming the present place of use and use listed below in TABLE 2:

**TABLE 2
Requested Location and Use (the Petition)**

Cert.	Priority	Source	Use	Acres	Qtr Qtr	Sec.	Twp	Range
63770	1879	Rock Cr	Irr	36.9	SW¼ SE¼	26	7 South	38 East
63770	1879	Rock Cr	Irr	1.1	SE¼ NE¼	34	7 South	38 East
Total				38.0				

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

POD: Fisher Ditch: 2150 feet South and 730 feet West from Northeast
Corner Section 34, Township 7 South, Range 38 East, W.M.
(44°54'49.976"N, 118°02'12.175"W)

The balance, 1.9 acres, is no longer irrigated from the source and the owners, by petition and affidavit, have requested that the same be canceled. The rights to be canceled are listed below in TABLE 3:

TABLE 3
Rights to be Canceled

Cert.	Priority	Source	Use	Acres	Qtr Qtr	Sec.	Twp(S)	Range
63770	1879	Rock Creek	Irr	0.9	SW¼ SE¼	26	7 South	38 East
4169	1896	Rock Creek	Irr	1.0	SE¼ NE¼	34	7 South	38 East
			Total	1.9				

FINDINGS

The Director has examined the co-petition of Dennis Spence 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. Dennis Spence filed an individual co-petition and map in a timely manner, as required by ORS 541.327.
2. Dennis Spence is an individual co-petitioner within the service boundaries of the Powder Valley Water Control District. The petitioned lands are served by Fisher Ditch, formed prior to 1917, and are qualifying organizations as defined in ORS 541.325.
3. The content and quality of Dennis Spence'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 Powder River Decree shall remain in effect for the rights petitioned.
7. Dennis Spence has met the requirements of ORS 541.325 to 541.333 for issuance of a new certificate confirming the present use and place of use of the petitioned water right.
8. Orel Aldrich and Dennis Spence have authorized cancellation of the irrigation use of 0.90 acre in SW¼ SE¼, Section 26 and 1.0 acre SE¼ NE¼ Sec. 34, T. 7 S., R. 38 E., W.M.

