

5. The right to be transferred is as follows:

Certificate: 58970 in the name of JAMES E. KERNS (perfected under Permit G-7629)
Use: SUPPLEMENTAL IRRIGATION of 97.9 ACRES
Priority Date: JUNE 17, 1977
Rate: 0.36 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE RIGHT SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALLOWED HEREIN.
Source: JAMES KERNS WELL in the WILLOW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	35	SW SW	JAMES KERNS WELL - 30 FEET NORTH AND 1000 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	35	SW SW	39.2
8 S	38 E	WM	2	NE NW	29.2
8 S	38 E	WM	2	NW NW	29.5
Total					97.9

6. Transfer Application T-13479 proposes to move the authorized point of appropriation approximately 380 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	35	SW SW	WELL 2 - 30 FEET NORTH AND 620 FEET EAST FROM THE SW CORNER OF SECTION 35

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13479.
9. The proposed change would not result in enlargement of the right.

10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-13479 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-500.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-13479 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 58970 and any related decree.
3. Water right Certificate 58970 is cancelled.
4. The quantity of water diverted at the new point of appropriation (Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (James Kerns Well).
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **DEC 24 2020**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: DEC 27 2020