

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7155 submitted by

JAMES E. KERNS
ROUTE 1, BOX 28
HAINES, OREGON 97833.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by Certificate 60008. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1868.

The right allows the use of Rock Creek, a tributary of POWDER RIVER, for IRRIGATION of 10.0 acres. This right is limited to 0.25 cubic foot per second, if available at the authorized point of diversion: HUNSTOCK-MEYERS DITCH - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.; 10 FEET NORTH AND 2 FEET EAST FROM CENTER CORNER, SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.0 ACRES
SECTION 2
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by Certificate 60009. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1868.

The right allows the use of Rock Creek, a tributary of POWDER RIVER, for IRRIGATION. This right is limited to 0.5 cubic foot per second, if available at the authorized point of diversion: HUNSTOCK-MEYERS DITCH - SE¼ NW¼, SECTION 34, TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.; 10 FEET NORTH AND 2 FEET EAST FROM CENTER CORNER, SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NW¼ NW¼ 20.0 ACRES
SECTION 2
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

The third right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a portion of Certificate 4429. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1882.

The right allows the use of Rock Creek and Willow Creek, a tributary of POWDER RIVER, for IRRIGATION of 30 acres. This right is limited to 0.75 cubic foot per second, if available at the authorized point of diversion: HUNSTOCK-MEYERS DITCH - SE¼ NW¼, SECTION 34, TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.; 10 FEET NORTH AND 2 FEET EAST FROM CENTER CORNER, SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NE¼ NW¼ 30.0 ACRES
SECTION 2
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to add an additional point of diversion to: WILCOX DITCH - NW¼ SE¼, SECTION 33, TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.; 1580 FEET NORTH AND 1430 FEET WEST FROM SE CORNER, SECTION 33.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1998.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point of diversion.
3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The water user shall operate and maintain the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.

Certificates 60008, 60009 and 4429 are canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed March 7, 1997 .



Martha O. Pagel, Director