

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 7916 submitted by

TIM L. AND JANICE L. KERNS
RAINBOW RANCH, INC.
45917 QUAIL ROAD
HAINES, OREGON 97833.

The 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 74069. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The dates of priority are 1864 for 10.0 acres and 1901 for 5.0 acres.

The right allows the use of MARBLE OR GRAVEL CREEK, a tributary of the POWDER RIVER, for IRRIGATION OF 15.0 ACRES, being 10.0 acres under priority 1864, and 5.0 acres under priority 1901. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.287 cubic foot per second, being 0.191 CFS under priority 1864, and 0.096 under priority 1901, if available at the authorized point of diversion: BROWN DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

	1864	1901
NW¼ SE¼		5.0 ACRES
SW¼ SE¼	10.0 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 TEMPORARILY change the place of use to:

	1864	1901
NW¼ NE¼	8.0 ACRES	5.0 ACRES
	SECTION 11	
NW¼ NW¼	2.0 ACRES	
	SECTION 12	
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.		

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

1. The change is temporary. The change shall be effective upon issuance of this order.
2. The former place of use shall not be irrigated as part of this water during the term of this order.
3. The use shall revert to the authorized place of use at the end of the 2002 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of the remaining water right described by Certificate 74069 shall continue to be in accordance with the terms and conditions of Certificate 74069.

WITNESS the signature of the Water Resources

Director, affixed 3/30/98.


Martha O. Pagel, Director