

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING TEMPORARY CHANGES 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 8483 submitted by

KERNS RAINBOW RANCH, INC.
45917 QUAIL ROAD
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 a PORTION of Certificate 74062. 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.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The right allows the use of ROCK CREEK, a tributary of the POWDER RIVER, for IRRIGATION of 34.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.80 cubic foot per second, if available at the authorized point of diversion: NE¼ SW¼, NW¼ SW¼, SECTION 34, T 7 S, R 38 E, WM; HUNSTOCK-MEYERS DITCH - 2663 FEET SOUTH AND 2687 FEET WEST; BROWN-DELONG DITCH - 3567 FEET SOUTH AND 5087 FEET WEST; BOTH FROM THE NE CORNER, SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 a PORTION of an order of the Water Resources Director, entered October 26, 1992, at Special Order Volume 46, Page 473, approving Transfer 6185. 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 the POWDER RIVER, for IRRIGATION of 4.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 cubic foot per second, if available at the authorized point of diversion: HUNSTOCK-MEYERS DITCH - NE¼ SW¼, SECTION 34, T 7 S, R 38 E, WM; or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized points of diversion are located as follows:

NE¼ SW¼, NW¼ SW¼, SECTION 34, T 7 S, R 38 E, WM;
HUNSTOCK-MEYERS DITCH - 2663 FEET SOUTH AND 2687 FEET WEST;
BROWN-DELONG DITCH - 3567 FEET SOUTH AND 5087 FEET WEST; BOTH
FROM THE NE CORNER, SECTION 34.

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 68433. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1879.

The right allows the use of ROCK CREEK, a tributary of the POWDER RIVER, for IRRIGATION of 39.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.98 cubic foot per second, if available at the authorized points of diversion: J.K. FISHER and A. LONG DITCHES, 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 places of use are located as follows:

CERTIFICATE 74062

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 34.3 ACRES
SECTION 6

TRANSFER 6185

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.9 ACRES
SECTION 7
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

CERTIFICATE 68433

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 28.0 ACRES
SECTION 24

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.2 ACRES
SECTION 25

TOWNSHIP 7 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:

CERTIFICATE 74062 and TRANSFER 6185

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 28.0 ACRES
SECTION 24

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.2 ACRES
SECTION 25

TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

The applicant proposes to TEMPORARILY change the point of diversion to the Fisher Ditch.

The applicant proposes to TEMPORARILY change the place of use to:

CERTIFICATE 68433

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 34.3 ACRES
SECTION 6

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.9 ACRES
SECTION 7

TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

The applicant proposes to TEMPORARILY change the point of diversion to the Brown-Delong Ditch.

The lands in Sections 6 and 7, T 8 S, R 39 E, WM, also have supplemental water rights and permits appurtenant to them. These are evidenced by Certificate 66820, Permit G-13158, and Permit G-13159. The applicant has state they will not use the supplemental water rights and permits on the authorized place of use during the 2000 irrigation season.

THESE TEMPORARY CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 2000 irrigation season.
3. The uses shall revert to the authorized places of use and points of diversion at the end of the 2000 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 portions of the water right evidenced by Certificate 66820 and Permits G-13158 and G-13159 appurtenant to the authorized place of use, shall not be used during the 2000 irrigation season.

