

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION )  
OF TOM L. KERNS FOR APPROVAL OF )  
A CHANGE IN PLACE OF USE OF WATER)  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3673

On May 13, 1977, an application was filed in the office of the Water Resources Director by Tom L. Kerns for approval of a change in place of use from Rock Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer, entered on November 17, 1958, approving transfer application No. E-31, the right previously described by the certificate recorded at page 4243, Volume 5, State Record of Water Right Certificates, now exists of record for the appropriation of water from Rock Creek for irrigation of a certain 34.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1 of Township 8 South, Range 38 East, W.M.; 20.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, and 8.9 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 7 of Township 8 South, Range 39 East, W.M., with a date of priority of 1868.

The certificate recorded at page 4244, Volume 5, State Record of Water Right Certificates, in the name of Maybelle C. Hunstock, describes a right which includes the use of water from Rock Creek for irrigation of a certain 20.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, Township 8 South, Range 39 East, W.M., with a date of priority of 1868.

Water for the said rights is diverted, through the Hunstock-Meyers Ditch, from a point located 10 feet North and 2 feet East from the Southwest Corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, Township 7 South, Range 38 East, W.M.

The applicant herein, owner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, Township 8 South, Range 39 East, W.M., as described above, proposes to sever the above described rights therefrom and, without loss of priority, to irrigate in lieu thereof a certain 10.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 35, Township 7 South, Range 38 East, W.M.; and 30.0 acres in N $\frac{3}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 8 South, Range 38 East, W.M.

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

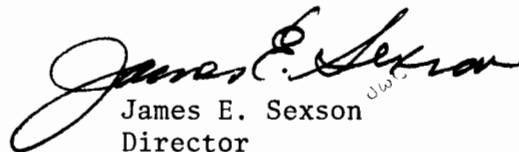
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to F. G. Hunstock and recorded at page 4243, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof, a new certificate be issued covering the balance of the right NOT involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

The order of the State Engineer, entered November 17, 1958, approving transfer application No. E-31 for a change in place of use, provided for cancellation of the certificate issued to Maybelle C. Hunstock and recorded at page 4244, Volume 5, State Record of Water Certificates, and for issuance of a superceding certificate.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered November 17, 1958, approving transfer application No. E-31, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 27th day of January, 1978.

  
James E. Sexson  
Director