

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING AN ADDITIONAL POINT OF APPROPRIATION  
AND CHANGE IN PLACE OF USE

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 6185 and a PORTION of TRANSFER 6186 submitted by

TIM L. AND JANICE L. KERNS  
ROUTE 1 BOX 30A  
HAINES, OREGON 97833.

The rights to be modified were confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291.

The first right to be modified, as evidenced by Certificate 45019, with a date of priority of 1868 for Tract 1 and 1890 for Tract 2, is for IRRIGATION OF 56.0 ACRES.

The second right to be modified, as evidenced by a PORTION of certificate 45848, with a date of priority of JANUARY 20, 1868, is for IRRIGATION OF 145.0 ACRES.

The third right to be modified, as evidenced by a PORTION of Certificate 52916, with a date of priority of 1894, is for IRRIGATION OF 36.0 ACRES.

The fourth right to be modified, as evidenced by a PORTION of Certificate 47674, with a date of priority of 1868, is for IRRIGATION OF 10.0 ACRES.

The fifth right to be modified, as evidenced by a PORTION of Certificate 45232, with a date of priority of 1868, is for IRRIGATION OF 8.9 ACRES.

These rights allow the use of ROCK CREEK, a tributary of POWDER RIVER. These rights are limited to 1/40TH CUBIC FOOT PER SECOND PER ACRE, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized point of diversion for these rights is the HUNSTOCK-MEYERS DITCH, located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 34, T 7 S, R 38 E, W.M.

SEE NEXT PAGE

Special Order Volume 46, Page 473  
Temp ✓ 54 P 30  
K 512/450 T-8483 (Jen)

The authorized place of use is located as follows:

CERTIFICATE 45019

Tract 1

SW $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
SECTION 6  
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

Tract 2

NE $\frac{1}{4}$  NW $\frac{1}{4}$  16.0 ACRES  
SECTION 7  
TOWNSHIP 8 SOUTH, RANGE 39, W.M.

CERTIFICATE 45848

SW $\frac{1}{4}$  SE $\frac{1}{4}$  30.5 ACRES  
SECTION 1  
  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  30.5 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  25.0 ACRES  
SECTION 12  
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

CERTIFICATE 52916

NE $\frac{1}{4}$  NE $\frac{1}{4}$  36.0 ACRES  
SECTION 12  
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

CERTIFICATE 47674

SE $\frac{1}{4}$  SW $\frac{1}{4}$  10.0 ACRES  
SECTION 6  
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

CERTIFICATE 45232

NW $\frac{1}{4}$  NW $\frac{1}{4}$  8.9 ACRES  
SECTION 7  
TOWNSHIP 8 SOUTH, RANGE 39 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, the BROWN-DELONG DITCH, located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 34, T 7 S, R 38 E, W.M.; 3567 FEET SOUTH AND 5087 FEET WEST FROM THE NW CORNER OF SECTION 34.

SEE NEXT PAGE

The applicant also proposes to change the place of use of the following lands :

CERTIFICATE 45848

FROM: SW $\frac{1}{4}$  SE $\frac{1}{4}$  9.5 ACRES  
SECTION 1  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  9.5 ACRES  
SECTION 12  
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

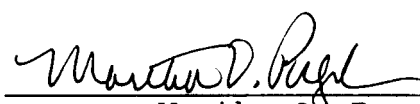
TO: E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  19.0 ACRES  
SECTION 7  
TOWNSHIP 8 SOUTH, RANGE 29 EAST, W.M.

THESE CHANGES TO EXISTING WATER RIGHTS 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, 1993.
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 or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district 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.
5. The former place of use shall no longer be irrigated as a part of this water right.

Certificates 45019, 45848, 52916, 47674, and 45232 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed OCTOBER 26, 1992

  
Martha O. Pagel