

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Application for Extension     )  
of Time for Transfer of Water Right            )  
T-9412 Baker County, Oregon                    FINAL ORDER APPROVING AN  
EXTENSION OF TIME

**Applicant**

KERNS RAINBOW RANCH, INC  
C/O JAN KERNS  
45917 QUAIL ROAD  
HAINES OREGON 97833

**Findings of Fact**

1. On May 29, 2007, the Department received an application for extension of time for transfer of water right from Jan Kerns of Kerns Rainbow Ranch for Transfer application T-9412.
2. The Water Resources Department issued an order approving Transfer Application T-9412 on August 9, 2004. The order was recorded in Special Order Volume 61, at Page 37. The order set a transfer completion date of October 1, 2005.
3. The applicant has used the requested new points of diversion because there is no delivery possible through the Dry Gulch ditch. The fish screen requirement was disputed and the cost was estimated at \$500,000, which could not be done. The water is shared in rotation, and there is not enough water to produce the crops to repay the cost of the screen.
5. The fish screen requirement needs to be revisited before the change can be completed. The applicant will be working with the Oregon Department of Fish & Wildlife to identify options for meeting the fish screen requirement.
6. The applicant has requested that the time for completion be extended to October 1, 2017.

**Conclusions of Law**


Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-9412.

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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Now, therefore, it is ORDERED:**

The time for completion of the changes in points of diversion authorized by T-9412, shall be extended to October 1, 2017.

Dated at Salem, Oregon this 22<sup>nd</sup> day of June, 2007

  
pn Phillip C. Ward, Director

Mailing date: JUN 26 2007