

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING A 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, TRANSFER 8505 submitted by

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 an order of the Water Resource 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 10.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.25 cubic foot per second, if available at the original point of diversion:
HUNSTOCK-MEYERS DITCH - NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34, T 7 S, R 38 E, W.M.,

This is an order in other than a 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.

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 points of diversion are located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34, T 7 S, R 38 E, W.M.;
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 OF SECTION 34.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10.0 ACRES
SECTION 6

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 TEMPORARILY change the place of use to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.0 ACRES
SECTION 12

TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

The applicant has stated that water will not be used under the terms of Permits G-13158 and G-13159, which are appurtenant to the authorized place of use, during the term of this temporary transfer.

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 right during the 2000, 2001, 2002, 2003, and 2004 irrigation season.
3. Permits G-13158 and G-13159 appurtenant to the authorized place of use, shall not be used during the 2000, 2001, 2002, 2003, and 2004 irrigation season.
4. The use shall revert to the authorized place of use at the end of the 2004 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. The use of the remaining water rights described by Transfer 6185, Permits G-13158 and G-13159, shall continue to be in accordance with the terms and conditions of Transfer 6185, Permits G-13158 and G-13159.

WITNESS the signature of the Water Resources

Director, affixed JUN 21 2000_____.



Martha O. Pagel, Director