

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

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

ORDER APPROVING
TRANSFER NO. 3868

On January 19, 1978, an application was filed in the office of the Water Resources Director by Tim 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.

The certificate recorded at page 4029, Volume 5, State Record of Water Right Certificates, in the name of Asa L. Brown, describes a right which includes the use of not to exceed one-fortieth cubic foot per second per acre from Rock Creek for irrigation of 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 8 South, Range 38 East, W.M., with a date of priority of 1894.

Water for the said right is diverted, through the Brown Delong Ditch, from a point located 1885 feet North and 289 feet East from the Southwest Corner of Section 34, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 7 South, Range 38 East, W.M.

The certificate recorded at page 4372, Volume 5, State Record of Water Right Certificates, in the name of John I. Meyers, describes a right which includes the use of not to exceed one-fortieth cubic foot per second per acre from Rock Creek for irrigation of 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 8 South, Range 38 East, W.M., with a date of priority of January 20, 1868.

Water for the said right is diverted, through the Hunstock Ditch, from a point located 2805 feet North and 2600 feet West from the Southeast Corner 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 lands above described, proposes to change the place of use of said right with the date of priority of 1894 therefrom, without loss of priority, and to irrigate in lieu thereof, 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 8 South, Range 38 East, W.M.; and to change the place of use of said right with the date of priority of January 20, 1868 therefrom, without loss of priority, and to irrigate in lieu thereof 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, 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.

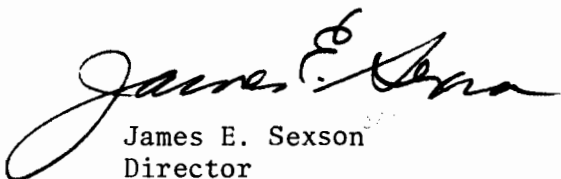
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 certificates of water right heretofore issued to Asa L. Brown and to John I. Meyers and recorded at pages 4029 and 4372, Volume 5, State Record of Water Right Certificates, are canceled, and in lieu thereof new certificates be issued covering the balance of the rights 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 28th day of March, 1978.


James E. Sexson
Director