

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, 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, PERMIT AMENDMENT T-7975 submitted by

KERNS RAINBOW RANCH, INC.  
45917 QUAIL ROAD  
HAINES, OREGON 97833.

The permit to be modified is Permit G-13157 with a date of priority of AUGUST 23, 1994. The permit allows the use of WELL 1 IN THE WILLOW CREEK BASIN AND WELL 2 IN THE PINE CREEK BASIN, for SUPPLEMENTAL IRRIGATION OF 581.0 ACRES, BEING 421.0 ACRES FROM WELL 1 AND 160.0 ACRES FROM WELL 2. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 4.50 CUBIC FEET PER SECOND (CFS), BEING 2.5 CFS FROM WELL 1 AND 2.0 CFS FROM WELL 2, if available at the original wells; WELL 1 - SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 1, T 8 S, R 38 E, W.M.; 83 FEET NORTH AND 83 FEET EAST FROM THE E1/16 CORNER OF SECTION 1, WELL 2 - NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 28, T 8 S, R 39 E, W.M.; 660 FEET SOUTH AND 165 FEET EAST FROM THE NW CORNER OF SECTION 28, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

WELL 1

SW $\frac{1}{4}$  NW $\frac{1}{4}$  32.0 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  38.0 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  39.0 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  24.0 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  8.0 ACRES

SECTION 1

SW $\frac{1}{4}$  NE $\frac{1}{4}$  24.0 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  40.0 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  36.0 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  19.0 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  7.0 ACRES

SECTION 2

NE $\frac{1}{4}$  NE $\frac{1}{4}$  10.0 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  8.0 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  16.0 ACRES

SECTION 12

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

WELL 2

NE $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES

SECTION 28

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.

The applicant proposes to change the point of appropriation for WELL 1 to:

NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 12, T 8 S, R 38 E, W.M.; 10 FEET SOUTH AND 450 FEET WEST FROM THE NW CORNER OF SECTION 12.

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available at the original point of appropriation (WELL 1).
2. When required by the Department, 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.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of the permit remain the same.

Permit G-13157, in the name of KERNS RAINBOW RANCH, INC. is amended as described herein.

WITNESS the signature of the Water Resources

Director, affixed 5/20/98.

  
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Martha O. Page, Director