

BEFORE THE WATER RESOURCES DIRECTOR

*Confirmed by
cert #
Sp. Or. V. _____ P. _____ 73622*

BAKER COUNTY OREGON

FINAL ORDER

Pursuant to ORS 541.327, a petition requesting approval and acceptance of petitioner's maps showing the present location and use of water rights within the boundaries of and serviced by Kerns Brothers, Inc. was submitted to the Oregon Water Resources Department on June 17, 1993, by the petitioner:

Kerns Brothers, Inc.
Rural Route 1
Haines, OR 97833

The water right certificates petitioned are portions of, or all of, the Rights of Record evidenced by the water right certificate numbers 4081, 4403, 4437, 4563, 7475, 10017, 33795, 33902, 41951, 48779, 48781, 49493, 50885, 55731, 68343 of the State Record of Water Right Certificates and water right transfer 6547 and 6785. The water right certificates and water transfers allow use of the waters of Mill Creek, Pine Creek, Rock Creek, Kilmerque Creek, Willow Creek, reservoirs, wells, waste water and Seepage for the irrigation and supplemental irrigation of 4825.20 acres.

The rights to be modified are:

TABLE 1

| CERT | DATE | SOURCE | MOD AC | TWP(S) | RNG(E) | SEC | ¼ ¼ | USE | POD |
|------|------|---------|--------|--------|--------|-----|------|-----|-----|
| 4081 | 1897 | Pine Cr | 40.00 | 8 | 39 | 7 | SESE | IR | #1 |
| 4081 | 1897 | Pine Cr | 30.00 | 8 | 39 | 7 | SWSE | IR | #1 |
| 4081 | 1897 | Pine Cr | 40.00 | 8 | 39 | 7 | NESE | IR | #1 |
| 4081 | 1897 | Pine Cr | 30.00 | 8 | 39 | 7 | NWSE | IR | #1 |
| 4403 | 1872 | Pine Cr | 40.00 | 8 | 38 | 12 | NESE | IR | #1 |
| 4403 | 1872 | Pine Cr | 27.50 | 8 | 38 | 12 | SESE | IR | #1 |
| 4403 | 1880 | Pine Cr | 10.00 | 8 | 38 | 13 | NENE | IR | #1 |
| 4403 | 1880 | Pine Cr | 12.50 | 8 | 38 | 12 | SESE | IR | #1 |
| 4403 | 1891 | Pine Cr | 18.75 | 8 | 39 | 7 | NWSW | IR | #1 |
| 4403 | 1891 | Pine Cr | 30.00 | 8 | 38 | 13 | NENE | IR | #1 |
| 4403 | 1897 | Pine Cr | 35.00 | 8 | 39 | 7 | SWSW | IR | #1 |
| 4403 | 1897 | Pine Cr | 21.25 | 8 | 39 | 7 | NWSW | IR | #1 |
| 4403 | 1904 | Pine Cr | 5.00 | 8 | 39 | 7 | SWSW | IR | #1 |
| 4403 | 1904 | Pine Cr | 40.00 | 8 | 39 | 18 | NWNW | IR | #1 |

| CERT | DATE | SOURCE | MOD AC | TWP(S) | RNG(E) | SEC | ¼ ¼ | USE | POD |
|------|-----------|---------------------------------------|--------|--------|--------|-----|------|-----|-----|
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 7 | SENE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 16 | SWNE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 16 | SENE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 16 | NWNW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 16 | SWNW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 16 | SENW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 16 | NESW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 16 | NWSW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 16 | SWSW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 16 | NESE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 16 | NWSE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 9 | SWNW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 9 | NWSW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 9 | SWSW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 17 | NENE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 17 | SENE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 17 | SWNE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 17 | NWNW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 17 | SWNW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 17 | SENW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 18 | NENE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 18 | SWNE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 18 | SENE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 8 | NENE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 8 | NWNE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 8 | SENE | IR | #5 |

| CERT | DATE | SOURCE | MOD AC | TWP(S) | RNG(E) | SEC | ¼ ¼ | USE | POD |
|-------|----------------|---------------------------------------|--------|--------|--------|-----|------|-----|-----|
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 8 | NENW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 8 | NWNW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 8 | SWNW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 8 | NESE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 8 | SESE | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 10 | SWNW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 10 | NWSW | IR | #5 |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine & Willow Creeks | 40.00 | 8 | 39 | 10 | SWSW | IR | #5 |
| 4563 | 1865 | Rock Creek | 40.00 | 7 | 39 | 32 | NESW | IR | |
| 4563 | 1903 | Pine Creek | 38.50 | 8 | 39 | 8 | NWNW | IR | |
| 4563 | 1903 | Pine Creek | 40.00 | 8 | 39 | 8 | NENW | IR | |
| 4563 | 1903 | Pine Creek | 40.00 | 8 | 39 | 8 | SWNW | IR | |
| 4563 | 1906 | Willow Creek | 40.00 | 8 | 39 | 10 | SWNW | IR | |
| 4563 | 1906 | Willow Creek | 40.00 | 8 | 39 | 9 | NENE | IR | |
| 4563 | 1906 | Willow Creek | 40.00 | 8 | 39 | 9 | NWNE | IR | |
| 4563 | 1906 | Willow Creek | 40.00 | 8 | 39 | 8 | SWNW | IR | |
| 4563 | 1906 | Willow Creek | 10.00 | 8 | 39 | 7 | SENE | IR | #5 |
| 7475 | 6/29/1927 | Waste Water | 40.00 | 8 | 39 | 7 | NESE | I* | #6 |
| 7475 | 6/29/1927 | Waste Water | 30.00 | 8 | 39 | 7 | NWSE | I* | #6 |
| 7475 | 6/29/1927 | Waste Water | 40.00 | 8 | 39 | 7 | SESE | I* | #6 |
| 7475 | 6/29/1927 | Waste Water | 30.00 | 8 | 39 | 7 | SWSE | I* | #6 |
| 10017 | 3/11/1927 | Under Ground | 40.00 | 8 | 39 | 21 | NENW | IR | #12 |
| 33795 | 12/28, 29/1959 | Mill Cr | 39.20 | 8 | 39 | 21 | NWNW | IS | #7 |
| 33795 | 12/28, 29/1959 | Mill Cr | 40.00 | 8 | 39 | 21 | NESW | IS | #7 |
| 33795 | 12/28, 29/1959 | Mill Cr | 39.20 | 8 | 39 | 21 | NWSW | IS | #7 |
| 33795 | 12/28, 29/1959 | Mill Cr | 40.00 | 8 | 39 | 21 | SENE | IS | #7 |
| 33795 | 12/28, 29/1959 | Mill Cr | 39.20 | 8 | 39 | 21 | SWNW | IS | #7 |
| 33795 | 12/28, 29/1959 | Mill Cr | 40.00 | 8 | 39 | 21 | NENW | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 8 | 39 | 21 | NWSE | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 8 | 39 | 21 | NENE | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 8 | 39 | 21 | NWNE | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 8 | 39 | 21 | SWNE | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 8 | 39 | 21 | SENE | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 8 | 39 | 21 | NESE | IS | #7 |
| 41951 | 6/14/1971 | A Well | 38.70 | 8 | 39 | 7 | NESE | IS | #8 |

| CERT | DATE | SOURCE | MOD AC | TWP(S) | RNG(E) | SEC | ¼ ¼ | USE | POD |
|-------|----------------|---------------------|--------|--------|--------|-----|------|--------|-----|
| 41951 | 6/14/1971 | A Well | 30.00 | 8 | 39 | 7 | NWSE | IS | #8 |
| 41951 | 6/14/1971 | A Well | 39.00 | 8 | 39 | 7 | SENE | IS | #8 |
| 41951 | 6/14/1971 | A Well | 39.00 | 8 | 39 | 7 | SESE | IS | #8 |
| 41951 | 6/14/1971 | A Well | 30.00 | 8 | 39 | 7 | SWSE | IS | #8 |
| 48779 | 5/3/1973 | Waste | 38.70 | 8 | 39 | 7 | NESE | IS | #9 |
| 48779 | 5/3/1973 | Waste | 29.70 | 8 | 39 | 7 | NWSE | IS | #9 |
| 48779 | 5/3/1973 | Waste | 39.00 | 8 | 39 | 7 | SENE | IS | #9 |
| 48779 | 5/3/1973 | Waste | 39.00 | 8 | 39 | 7 | SESE | IS | #9 |
| 48779 | 5/3/1973 | Waste | 30.00 | 8 | 39 | 7 | SWSE | IS | #9 |
| 48781 | 4/16/1975 | Seepage & Reservoir | 30.00 | 8 | 39 | 7 | SWSE | IS | #10 |
| 48781 | 4/16/1975 | Seepage & Reservoir | 39.00 | 8 | 39 | 7 | SESE | IS | #10 |
| 48781 | 4/16/1975 | Seepage & Reservoir | 39.00 | 8 | 39 | 7 | SENE | IS | #10 |
| 48781 | 4/16/1975 | Seepage & Reservoir | 29.70 | 8 | 39 | 7 | NWSE | IS | #10 |
| 48781 | 4/16/1975 | Seepage & Reservoir | 38.70 | 8 | 39 | 7 | NESE | IS/STK | #10 |
| 49493 | 6/9/1977 | A Well | 39.20 | 8 | 39 | 21 | NWSW | IS | #11 |
| 49493 | 6/9/1977 | A Well | 32.70 | 8 | 39 | 21 | NWSE | IS | #11 |
| 49493 | 6/9/1977 | A Well | 39.20 | 8 | 39 | 21 | NWNW | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 8 | 39 | 21 | NWNE | IS | #11 |
| 49493 | 6/9/1977 | A Well | 39.30 | 8 | 39 | 21 | NESW | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 8 | 39 | 21 | NESE | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 8 | 39 | 21 | NENW | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 8 | 39 | 21 | SENE | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 8 | 39 | 21 | SENW | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 8 | 39 | 21 | SWNE | IS | #11 |
| 49493 | 6/9/1977 | A Well | 39.20 | 8 | 39 | 21 | SWNW | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 8 | 39 | 21 | NENE | IS | #11 |
| 50885 | 1891/1895/1904 | Pine Cr | 40.00 | 8 | 39 | 7 | SESW | IR | #1 |
| 50885 | 1891/1895/1904 | Pine Cr | 40.00 | 8 | 39 | 7 | NESW | IR | #1 |
| 50885 | 1891/1895/1904 | Pine Cr | 40.00 | 8 | 39 | 18 | NENW | IR | #1 |
| 50885 | 1891/1895/1904 | Pine Cr | 10.00 | 8 | 39 | 7 | SWSE | IR | #1 |
| 50885 | 1891/1895/1904 | Pine Cr | 10.00 | 8 | 39 | 7 | NWSE | IR | #1 |
| 55731 | 12/11/1931 | Pine Cr. Res. | 40.00 | 8 | 39 | 7 | NWSW | i* | #4 |
| 55731 | 12/11/1931 | Pine Cr. Res. | 40.00 | 8 | 39 | 7 | SWSW | i* | #4 |
| 55731 | 12/11/1931 | Pine Cr. Res. | 40.00 | 8 | 39 | 18 | NWNW | i* | #4 |
| 55731 | 12/11/1931 | Pine Cr. Res. | 40.00 | 8 | 38 | 12 | SESE | i* | #4 |

| CERT | DATE | SOURCE | MOD AC | TWP(S) | RNG(E) | SEC | ¼ ¼ | USE | POD |
|-----------------------------|-------------|--------------------|---------|--------|--------|-----|------|-----|-----|
| 55731 | 12/11/1931 | Pine Cr. Res. | 40.00 | 8 | 38 | 12 | NESE | I* | #4 |
| 68343 | 1864 | Pine Cr | 40.00 | 8 | 39 | 21 | SENW | IR | #3 |
| 68343 | 1864 | Pine Cr | 20.00 | 8 | 39 | 21 | NESW | IR | #3 |
| 68343 | 1864 | Pine Cr | 40.00 | 8 | 39 | 21 | SWNE | IR | #3 |
| 68343 | 1864 | Pine Cr | 20.00 | 8 | 39 | 21 | NWSE | IR | #3 |
| 68343 | 1872 | Pine Cr | 40.00 | 8 | 39 | 21 | SWNW | IR | #3 |
| 68343 | 1872 | Pine Cr | 40.00 | 8 | 39 | 21 | NWSW | IR | #3 |
| 68343 | 1872 | Pine Cr | 20.00 | 8 | 39 | 21 | NESE | IR | #3 |
| 68343 | 1872 | Pine Cr | 40.00 | 8 | 39 | 21 | NWNW | IR | #3 |
| 68343 | 1892 | Pine Cr | 20.00 | 8 | 39 | 21 | NWNE | IR | #3 |
| 68343 | 1892 | Pine Cr | 40.00 | 8 | 39 | 21 | NENE | IR | #3 |
| 68343 | 1904 | Pine Creek | 40.00 | 8 | 39 | 22 | NENW | IR | |
| 68343 | 1909 | Pine Creek | 40.00 | 8 | 39 | 22 | SENW | IR | |
| 68343 | April, 1863 | Pine Creek | 40.00 | 8 | 39 | 28 | NWNW | IR | |
| 68343 | April, 1863 | Pine Creek | 40.00 | 8 | 39 | 28 | SWNW | IR | |
| 68343 | April, 1863 | Pine Creek | 40.00 | 8 | 39 | 28 | SENW | IR | |
| 68343 | 1900 | Pine Cr | 20.00 | 8 | 39 | 21 | NENW | IR | #3 |
| T6785 | 12/11/1931 | Pine Cr. Reservoir | 40.00 | 8 | 39 | 7 | NESW | I | #3 |
| T6785 | 12/11/1931 | Pine Cr. Reservoir | 40.00 | 8 | 39 | 7 | SESW | IS | #3 |
| T-6547 | 1864 | Pine Cr | 20.00 | 8 | 39 | 21 | NENW | IR | #3 |
| T-6547 | 1864 | Pine Cr | 20.00 | 8 | 39 | 21 | NWNE | IR | #3 |
| T-6547 | 1872 | Pine Cr | 20.00 | 8 | 39 | 21 | SENE | IR | #3 |
| T-6547 | 1892 | Pine Cr | 20.00 | 8 | 39 | 21 | SENE | IR | #3 |
| T-6547 | 1900 | Pine Cr | 20.00 | 8 | 39 | 21 | NESE | IR | #3 |
| T-6547 | 1909 | Pine Cr | 20.00 | 8 | 39 | 21 | NWSE | IR | #3 |
| T-6547 | 1909 | Pine Cr | 20.00 | 8 | 39 | 21 | NESW | IR | #3 |
| Total Original Acres | | | 4825.20 | | | | | | |

IR- irrigation I*- irrigation and domestic and stock IS-supplemental irrigation IL- irrigation & stock
IS/STK-supplemental irrigation & stock

The petitioner requests to change the place of use and type of use for 2758.70 acres, being irrigation of 1006.40 acres, supplemental irrigation of 1714.50 acres and supplemental irrigation/stock of 37.8 acres. The petitioner seeks certificates confirming the present place of use and uses listed below in table 2.

TABLE 2

| CERT. | PRIORITY | SOURCE | ACRES | LOT | 1/4 1/4 | SEC | TWP (S) | RNG(E) | USE | POD |
|----------------------------|-----------|------------------------|----------------|------|---------|-----|---------|--------|-----|------------------|
| T6547 | 1864 | Pine Cr | 40.00 | 4600 | NWNE | 21 | 8 | 39 | IR | #3 |
| 68343 | 1864 | Pine Cr | 40.00 | 4700 | SENE | 21 | 8 | 39 | IR | #3 |
| 68343 | 1864 | Pine Cr | 40.00 | 4600 | SWNE | 21 | 8 | 39 | IR | #3 |
| 68343 | 1864 | Pine Cr | 20.00 | 4600 | NWSE | 21 | 8 | 39 | IR | #3 |
| 68343 | 1864 | Pine Cr | 20.00 | 4700 | NESW | 21 | 8 | 39 | IR | #3 |
| 4403 | 1872 | Pine Cr | 35.00 | 2400 | NWSW | 7 | 8 | 39 | IR | #1 & #2 |
| 4403 | 1872 | Pine Cr | 32.50 | 2400 | SWSW | 7 | 8 | 39 | IR | #1 & #2 |
| T6547 | 1872 | Pine Cr | 20.00 | 4700 | NENW | 21 | 8 | 39 | IR | #3 |
| 68343 | 1872 | Pine Cr | 39.10 | 4700 | NWNW | 21 | 8 | 39 | IR | #3 |
| 68343 | 1872 | Pine Cr | 39.10 | 4700 | NWSW | 21 | 8 | 39 | IR | #3 |
| 68343 | 1872 | Pine Cr | 2.70 | 4700 | NESW | 21 | 8 | 39 | IR | #3 |
| 68343 | 1872 | Pine Cr | 39.10 | 4700 | SWNW | 21 | 8 | 39 | IR | #3 |
| 68343 | 1872 | Pine Cr | 20.00 | 4700 | NENW | 21 | 8 | 39 | IR | #3 |
| 4403 | 1880 | Pine Cr | 3.30 | 2400 | SWSW | 7 | 8 | 39 | IR | #1 & #2 |
| 4403 | 1880 | Pine Cr | 19.20 | 201 | NWNW | 18 | 8 | 39 | IR | #1 & #2 |
| 4403 | 1891 | Pine Cr | 8.75 | 2301 | SESE | 12 | 8 | 38 | IR | #1 & #2 |
| 4403 | 1891 | Pine Cr | 40.00 | 2302 | NESE | 12 | 8 | 38 | IR | #1 & #2 |
| 50885 | 1891 | Pine Cr | 18.20 | 2400 | SESW | 7 | 8 | 39 | IR | #1 & #2 |
| 50885 | 1891 | Pine Cr | 1.80 | 2301 | SESE | 12 | 8 | 38 | IR | #1 & #2 |
| T6547 | 1892 | Pine Cr | 20.00 | 4600 | SENE | 21 | 8 | 39 | IR | #3 |
| 68343 | 1892 | Pine Cr | 40.00 | 4600 | NENE | 21 | 8 | 39 | IR | #3 |
| 68343 | 1892 | Pine Cr | 20.00 | 4600 | SENE | 21 | 8 | 39 | IR | #3 |
| 50855 | 1895 | Pine Cr | 10.00 | 2400 | SWSE | 7 | 8 | 39 | IR | #1 & #2 |
| 50885 | 1895 | Pine Cr | 20.90 | 2400 | SESW | 7 | 8 | 39 | IR | #1 & #2 |
| 50885 | 1895 | Pine Cr | 10.00 | 2400 | NWSE | 7 | 8 | 39 | IR | #1 & #2 |
| 50885 | 1895 | Pine Cr | 39.10 | 2400 | NESW | 7 | 8 | 39 | IR | #1 & #2 |
| 4081 | 1897 | Pine Cr | 37.80 | 2400 | NESE | 7 | 8 | 39 | IR | #1 & #2 |
| 4081 | 1897 | Pine Cr | 3.10 | 2302 | NENE | 13 | 8 | 38 | IR | #1 & #2 |
| 4081 | 1897 | Pine Cr | 30.00 | 2400 | SWSE | 7 | 8 | 39 | IR | #1 & #2 |
| 4081 | 1897 | Pine Cr | 39.10 | 2400 | SESE | 7 | 8 | 39 | IR | #1 & #2 |
| 4081 | 1897 | Pine Cr | 30.00 | 2400 | NWSE | 7 | 8 | 39 | IR | #1 & #2 |
| 4403 | 1897 | Pine Cr | 26.80 | 2301 | NENE | 13 | 8 | 38 | IR | #1 & #2 |
| 4403 | 1897 | Pine Cr | 29.45 | 2301 | SESE | 12 | 8 | 38 | IR | #1 & #2 |
| 4437 | 1899 | Pine, Rock & Willow Cr | 39.10 | 2400 | SENE | 7 | 8 | 39 | IR | #1, #2, #5 & #13 |
| T6547 | 1900 | Pine Cr | 20.00 | 4600 | NESE | 21 | 8 | 39 | IR | #3 |
| 68343 | 1900 | Pine Cr | 20.00 | 4600 | NESE | 21 | 8 | 39 | IR | #3 |
| 4403 | 1904 | Pine Cr | 15.60 | 201 | NWNW | 18 | 8 | 39 | IR | #1 & #2 |
| 4403 | 1904 | Pine Cr | 7.50 | 2302 | NENE | 13 | 8 | 38 | IR | #1 & #2 |
| 4403 | 1904 | Pine Cr | 7.10 | 4600 | NWSE | 21 | 8 | 39 | IR | #3 |
| 4403 | 1904 | Pine Cr | 14.80 | 4700 | NESW | 21 | 8 | 39 | IR | #3 |
| 50885 | 1904 | Pine Cr | 1.80 | 4700 | NESW | 21 | 8 | 39 | IR | #3 |
| 50885 | 1904 | Pine Cr | 38.20 | 2400 | NENW | 18 | 8 | 39 | IR | #1 & #2 |
| T6547 | 1909 | Pine Cr | 7.30 | 4600 | NWSE | 21 | 8 | 39 | IR | #3 |
| Total Primary Acres | | | 1006.40 | | | | | | | |
| 7475 | 6/29/1927 | Waste water | 37.80 | 2400 | NESE | 7 | 8 | 39 | IS | #6 |
| 7475 | 6/29/1927 | Waste water | 30.00 | 2400 | SWSE | 7 | 8 | 39 | IS | #6 |

| CERT. | PRIORITY | SOURCE | ACRES | LOT | 1/4 1/4 | SEC | TWP (S) | RNG(E) | USE | POD |
|-------|----------------|---------------------|-------|------|---------|-----|---------|--------|--------|-----|
| 7475 | 6/29/1927 | Waste water | 39.10 | 2400 | SESE | 7 | 8 | 39 | IS | #6 |
| 7475 | 6/29/1927 | Waste water | 33.10 | 2400 | NWSE | 7 | 8 | 39 | IS | #6 |
| 10017 | 3/11/1927 | Underground | 40.00 | 4700 | NENW | 21 | 8 | 39 | IS | #12 |
| 55731 | 12/11/1931 | Pine Cr. Res. | 40.00 | 2301 | NESE | 12 | 8 | 38 | IS | #4 |
| 55731 | 12/11/1931 | Pine Cr. Res. | 14.40 | 2400 | NENW | 18 | 8 | 39 | IS | #4 |
| 55731 | 12/11/1931 | Pine Cr. Res. | 35.80 | 2400 | SWSW | 7 | 8 | 39 | IS | #4 |
| 55731 | 12/11/1931 | Pine Cr. Res. | 34.80 | 201 | NWNW | 18 | 8 | 39 | IS | #4 |
| 55731 | 12/11/1931 | Pine Cr. Res. | 40.00 | 2301 | SESE | 12 | 8 | 38 | IS | #4 |
| 55731 | 12/11/1931 | Pine Cr. Res. | 35.00 | 2400 | NWSW | 7 | 8 | 39 | IS | #4 |
| T6785 | 12/11/1931 | Pine Cr. Res. | 1.80 | 2400 | NENW | 18 | 8 | 39 | IS | #4 |
| T6785 | 12/11/1931 | Pine Cr. Res. | 39.10 | 2400 | NESW | 7 | 8 | 39 | IS | #4 |
| T6785 | 12/11/1931 | Pine Cr. Res. | 39.10 | 2400 | SESW | 7 | 8 | 39 | IS | #4 |
| 33795 | 12/28, 29/1959 | Mill Cr | 39.10 | 4700 | NWNW | 21 | 8 | 39 | IS | #7 |
| 33795 | 12/28, 29/1959 | Mill Cr | 39.10 | 4700 | NWSW | 21 | 8 | 39 | IS | #7 |
| 33795 | 12/28, 29/1959 | Mill Cr | 40.00 | 4700 | SENW | 21 | 8 | 39 | IS | #7 |
| 33795 | 12/28, 29/1959 | Mill Cr | 39.10 | 4700 | SWNW | 21 | 8 | 39 | IS | #7 |
| 33795 | 12/28, 29/1959 | Mill Cr | 39.30 | 4700 | NESW | 21 | 8 | 39 | IS | #7 |
| 33795 | 12/28, 29/1959 | Mill Cr | 40.00 | 4700 | NENW | 21 | 8 | 39 | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 34.40 | 4700 | NWSE | 21 | 8 | 39 | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 4600 | NENE | 21 | 8 | 39 | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 4600 | NWNE | 21 | 8 | 39 | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 4600 | SWNE | 21 | 8 | 39 | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 4600 | SENE | 21 | 8 | 39 | IS | #7 |
| 33902 | 12/28, 29/1959 | Mill Cr | 40.00 | 4600 | NESE | 21 | 8 | 39 | IS | #7 |
| 48781 | 4/16/1975 | Reservoir & Seepage | 30.00 | 2400 | NWSE | 7 | 8 | 39 | IS | #10 |
| 48781 | 4/16/1975 | Reservoir & Seepage | 39.10 | 2400 | SESE | 7 | 8 | 39 | IS | #10 |
| 48781 | 4/16/1975 | Reservoir & Seepage | 39.10 | 2400 | SENE | 7 | 8 | 39 | IS | #10 |
| 48781 | 4/16/1975 | Reservoir & Seepage | 37.80 | 2400 | NESE | 7 | 8 | 39 | IS/STK | #10 |
| 48781 | 4/16/1975 | Reservoir & Seepage | 30.00 | 2400 | SWSE | 7 | 8 | 39 | IS | #10 |
| 41951 | 6/14/1971 | A Well | 37.80 | 2400 | NESE | 7 | 8 | 39 | IS | #8 |
| 41951 | 6/14/1971 | A Well | 39.10 | 2400 | SENE | 7 | 8 | 39 | IS | #8 |
| 41951 | 6/14/1971 | A Well | 39.10 | 2400 | SESE | 7 | 8 | 39 | IS | #8 |
| 41951 | 6/14/1971 | A Well | 30.00 | 2400 | NWSE | 7 | 8 | 39 | IS | #8 |
| 41951 | 6/14/1971 | A Well | 30.00 | 2400 | SWSE | 7 | 8 | 39 | IS | #8 |
| 49493 | 6/9/1977 | A Well | 39.10 | 4700 | SWNW | 21 | 8 | 39 | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 4700 | NENW | 21 | 8 | 39 | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 4700 | NENE | 21 | 8 | 39 | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 4700 | SWNE | 21 | 8 | 39 | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 4700 | SENW | 21 | 8 | 39 | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 4700 | SENE | 21 | 8 | 39 | IS | #11 |
| 49493 | 6/9/1977 | A Well | 39.10 | 4700 | NWSW | 21 | 8 | 39 | IS | #11 |
| 49493 | 6/9/1977 | A Well | 32.70 | 4700 | NWSE | 21 | 8 | 39 | IS | #11 |

| CERT. | PRIORITY | SOURCE | ACRES | LOT | 1/4 1/4 | SEC | TWP (S) | RNG(E) | USE | POD |
|---------------------------------|----------|--------|----------------|------|---------|-----|---------|--------|-----|-----|
| 49493 | 6/9/1977 | A Well | 40.00 | 4700 | NESE | 21 | 8 | 39 | IS | #11 |
| 49493 | 6/9/1977 | A Well | 39.10 | 4700 | NWNW | 21 | 8 | 39 | IS | #11 |
| 49493 | 6/9/1977 | A Well | 40.00 | 4700 | NWNE | 21 | 8 | 39 | IS | #11 |
| 49493 | 6/9/1977 | A Well | 39.30 | 4700 | NESW | 21 | 8 | 39 | IS | #11 |
| Total Supplemental Acres | | | 1752.30 | | | | | | | |

IR- irrigation I*- irrigation and domestic and stock IS-supplemental irrigation IL- irrigation & stock
IS/STK-supplemental irrigation & stock

The water rights petitioned involve the following points of diversion:

1. Williams Ditch from Pine Creek - NW¼ NW¼, Section 26, T. 8 S., R. 38 E., W.M.; 220'S. and 1000'W. from NW Corner of Sec. 26, T.8S., R. 38E., W.M.
2. Welch Ditch from Pine Creek - NE¼ NW¼, Section 26, T. 8 S., R. 38 E., W.M.; 1010'S. and 2200'W. from NW Corner of Sec. 26, T.8S., R. 38E., W.M.
3. Cartmill Ditch (L.B. and O.P. Ison Ditch) from Pine Creek - SE¼ NW¼, Section 25, T. 8 S., R. 38 E., W.M.; 2650'S. and 1960'W. from NW Corner of Sec. 25, T.8S., R. 38E., W.M.
4. Pine Creek Reservoir - NW¼ NW¼, Section 26, SW¼ NE¼, Section 32, T 8 S, R 38 E, WM. (T-6785 and 55731)
5. Wilcox Ditch from Rock Creek - NW¼ SE¼, Section 33, T 7 S, R 38 E, WM; 1580 feet North and 1430 feet West from SE corner, Section 33.
6. Wastewater - water to be collected from S½ SE¼ and parts of SE¼ SW¼, N½ SE¼, & SE¼ NE¼, Sec. 23, W½ NW¼ SE¼, NE¼, & parts of SW¼ SE¼ & NE¼ SE¼, Sec. 24, E½ SE¼, SW¼ SE¼, & parts of SE¼ SW¼, SW¼ SW¼, NW¼ SE¼, & SE¼ NE¼, Sec. 13, T. 8 S., R. 38 E., NW¼ NW¼ and parts of SW¼ NW¼ & NE¼ NW¼, Sec. 19, and SW¼, Sec. 18, T. 8 S., R. 39 E. W.M., being all the land situated between Williams Ditch on the North, the Welch ditch on the South and the Wilcox ditch on the East in said Sections. (7475)
7. Bowles Ditch from Mill Creek - SE¼ SW¼, Section 32, T 8 S, R 39 E, WM; 2640 feet East and 1280 feet North from SW corner, Section 32. (33795 and 33902)
8. A well - SW¼ SE¼, Section 7, T 8 S, R 39 E, WM; 50 feet North and 2300 feet West from SE corner, Section 7. (41951)
9. Waste water from NE¼, Section 18 - NE¼ NE¼, Section 18, T 8 S, R 39 E, WM; 50 feet South and 1100 feet West from the SE corner, Section 7. (48779)
10. Seepage and reservoir constructed under Permit No. R-6424 - NW¼ SE¼, Section 7, T 8 S, R 39 E, WM; 40 feet South and 370 feet West from NE corner, NW¼ SE¼, Section 7. (48781)
11. A well - NW¼ SE¼, Section 21, T 8 S, R 39 E, WM; 1840 feet North and 1370 feet West from SE corner, Section 21. (49493)
12. Underground percolation from Pine Creek District, being within NW¼NW¼ of Sec. 21, T. 8S. R. 39E. (10017)
13. Wilcox Ditch from Willow Creek - SE¼ NW¼, Section 3, Township 7 South, Range 38 East, WM; 2370 feet South and 2410 feet East from NW corner, Section 3. (4437)

The petitioner requests the cancellation of 276.96 acres. Two hundred seventy-six and ninety-six hundredth acres are no longer irrigated and the Kerns Brothers, Inc., by petition, have requested that the same lands be canceled. In addition, Kerns Brothers, Inc. have also authorized the cancellation of

the domestic and stock uses under certificates 55731 and 7475, Kilmerque Creek as a source under certificate 4437, the diminution of primary irrigation to supplemental irrigation for certificates 7475, 10017, and 55731.

Table 3 below is a summary of changes to the rights of record affected by the petition.

TABLE 3

| Certificate | Date | Source | Use | Original Certificate | Petition Acres | Remaining Right Acres | Canceled Acres |
|-------------|----------------|--|-----|----------------------|----------------|-----------------------|----------------|
| 10017 | 3/11/1927 | Underground | IR | 40.00 | 40.00 | 0.00 | 0.00 |
| 33795 | 12/28, 29/1959 | Mill Creek | IS | 329.80 | 236.60 | 92.20 | 1.00 |
| 33902 | 12/28,29/1959 | Mill Creek | IR | 99.60 | 0 | 99.60 | 0 |
| 33902 | 12/28,29/1959 | Mill Creek | IS | 375.40 | 234.40 | 135.40 | 5.60 |
| 4081 | 1897 | Pine Creek | IR | 140.00 | 140.00 | 0.00 | 0.00 |
| 41951 | 6/14/1971 | A well | IS | 176.70 | 176.00 | 0.00 | 0.70 |
| 4403 | 1872 | Pine Creek | IR | 90.00 | 67.50 | 22.50 | 0.00 |
| 4403 | 1880 | Pine Creek | IR | 30.00 | 22.50 | 7.50 | 0.00 |
| 4403 | 1891 | Pine Creek | IR | 65.00 | 48.75 | 16.25 | 0.00 |
| 4403 | 1897 | Pine Creek | IR | 75.00 | 56.25 | 18.75 | 0.00 |
| 4403 | 1904 | Pine Creek | IR | 60.00 | 45.00 | 15.00 | 0.00 |
| 4437 | 12/4/1899 | Rock, Pine, Willow, & Kilmerque Creeks | IR | 2240.00 | 39.10 | 2163.10 | 37.80 |
| 48779 | 5/3/1973 | Wastewater | IS | 176.40 | 0 | 0.00 | 176.40 |
| 48781 | 4/16/1975 | Seepage & Res. | IL | 176.40 | 176.00 | 0.00 | 0.40 |
| 49493 | 6/9/1977 | A Well | IS | 697.20 | 469.30 | 227.60 | 0.30 |
| 50885 | 1895 | Pine Creek | IR | 80.00 | 80.00 | 0.00 | 0.00 |
| 50885 | 1904 | Pine Creek | IR | 40.00 | 40.00 | 0.00 | 0.00 |
| 50885 | 1891 | Pine Creek | IR | 20.00 | 20.00 | 0.00 | 0.00 |
| 55731 | 12/11/1931 | Pine Reservoir | I* | 200.00 | 200.00 | 0.00 | 0.00 |
| 68343 | 1864 | Pine Creek | IR | 120.00 | 120.00 | 0.00 | 0.00 |
| 68343 | 1872 | Pine Creek | IR | 140.00 | 140.00 | 0.00 | 0.00 |
| 68343 | 1900 | Pine Creek | IR | 20.00 | 20.00 | 0.00 | 0.00 |
| 68343 | 1892 | Pine Creek | IR | 60.00 | 60.00 | 0.00 | 0.00 |
| 4563 | 1874 | Sand Creek | IR | 40.00 | 0.00 | 40.00 | 0.00 |
| 4563 | 1865 | Rock Creek | IR | 40.00 | 0.00 | 39.10 | 0.90 |
| 4563 | 1897 | Pine Creek | IR | 25.00 | 0.00 | 25.00 | 0.00 |
| 4563 | 1903 | Pine Creek | IR | 133.50 | 0.00 | 131.40 | 2.10 |
| 4563 | 1906 | Willow Creek | IR | 230.00 | 0.00 | 216.40 | 13.60 |
| 7475 | 6/29/1927 | Wastewater | I* | 140.00 | 140.00 | 0.00 | 0.00 |
| T-6547 | 1864 | Pine Creek | IR | 40.00 | 40.00 | 0.00 | 0.00 |
| T-6547 | 1872 | Pine Creek | IR | 20.00 | 20.00 | 0.00 | 0.00 |
| T-6547 | 1892 | Pine Creek | IR | 20.00 | 20.00 | 0.00 | 0.00 |
| T-6547 | 1900 | Pine Creek | IR | 20.00 | 20.00 | 0.00 | 0.00 |
| T-6547 | 1909 | Pine Creek | IR | 40.00 | 7.30 | 0.00 | 32.70 |
| T-6785 | 12/11/1931 | Pine Reservoir | IS | 80.00 | 80.00 | 0.00 | 0.00 |
| 68343 | 1904 | Pine Creek | IR | 80.00 | 0 | 79.09 | 0.91 |

| | | | | | | | |
|-------------|--------|------------|----|---------|---------|---------|--------|
| 68343 | 1909 | Pine Creek | IR | 80.00 | 0 | 79.09 | 0.91 |
| 68343 | 4/1863 | Pine Creek | IR | 160.00 | 0 | 156.36 | 3.64 |
| Total Acres | | | | 6600.00 | 2758.70 | 3564.34 | 276.96 |

The irrigation rights to be canceled are listed below in Table 4:

TABLE 4

| Cert. | Priority | Source | Canceled Acres | Sec | Twp South | Range East | ¼ ¼ |
|-------|---------------|--|----------------|-----|-----------|------------|------|
| 33795 | 12/28,29/1959 | Mill Creek | 0.10 | 21 | 8 | 39 | NWNW |
| 33795 | 12/28,29/1959 | Mill Creek | 0.70 | 21 | 8 | 39 | NESW |
| 33795 | 12/28,29/1959 | Mill Creek | 0.10 | 21 | 8 | 39 | NWSW |
| 33795 | 12/28,29/1959 | Mill Creek | 0.10 | 21 | 8 | 39 | SWNW |
| 33902 | 12/28,29/1959 | Mill Creek | 5.60 | 21 | 8 | 39 | NWSE |
| 41951 | 6/14/1971 | Pine Creek | 0.70 | 7 | 8 | 39 | NESE |
| 4437 | 12/4/1899 | Pine, Kilmerque, Rock, & Willow Creeks | 0.90 | 7 | 8 | 39 | SENE |
| 48779 | 5/3/1973 | Waste | 38.70 | 7 | 8 | 39 | NESE |
| 48779 | 5/3/1973 | Waste | 29.70 | 7 | 8 | 39 | NWSE |
| 48779 | 5/3/1973 | Waste | 39.00 | 7 | 8 | 39 | SENE |
| 48779 | 5/3/1973 | Waste | 39.00 | 7 | 8 | 39 | SESE |
| 48779 | 5/3/1973 | Waste | 30.00 | 7 | 8 | 39 | SWSE |
| 4563 | 1865 | Rock Creek | 0.90 | 32 | 7 | 39 | NESW |
| 4563 | 1903 | Pine Creek | 0.30 | 8 | 8 | 39 | NWNW |
| 4563 | 1903 | Pine Creek | 0.90 | 8 | 8 | 39 | NENW |
| 4563 | 1903 | Pine Creek | 0.90 | 8 | 8 | 39 | SWNW |
| 4563 | 1906 | Willow Creek | 0.90 | 10 | 8 | 39 | SWNW |
| 4563 | 1906 | Willow Creek | 0.90 | 9 | 8 | 39 | NENE |
| 4563 | 1906 | Willow Creek | 0.90 | 9 | 8 | 39 | NWNE |
| 4563 | 1906 | Willow Creek | 0.90 | 8 | 8 | 39 | SWNW |
| 68343 | 1904 | Pine Creek | 0.91 | 22 | 8 | 39 | NENW |
| 68343 | 1909 | Pine Creek | 0.91 | 22 | 8 | 39 | SENE |
| 68343 | April, 1863 | Pine Creek | 0.91 | 28 | 8 | 39 | NWNW |
| 68343 | April, 1863 | Pine Creek | 1.82 | 28 | 8 | 39 | SWNW |
| 68343 | April, 1863 | Pine Creek | 0.91 | 28 | 8 | 39 | SENE |
| 48781 | 4/16/1971 | Pine Creek | 0.40 | 7 | 8 | 39 | NESE |
| 49493 | 6/9/1977 | A Well | 0.30 | 21 | 8 | 39 | NESW |
| 4563 | 1906 | Willow Creek | 10.00 | 7 | 8 | 39 | SENE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 16 | 8 | 39 | SWNE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 16 | 8 | 39 | SENE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 16 | 8 | 39 | NWNW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 1.8 | 16 | 8 | 39 | SWNW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 16 | 8 | 39 | SENE |

| | | | | | | | |
|------|-----------|---|------|----|---|----|------|
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 16 | 8 | 39 | NESW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 1.8 | 16 | 8 | 39 | NWSW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 16 | 8 | 39 | SWSW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 16 | 8 | 39 | NESE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 16 | 8 | 39 | NWSE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 9 | 8 | 39 | SWNW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 9 | 8 | 39 | NWSW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 9 | 8 | 39 | SWSW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 17 | 8 | 39 | NENE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 1.80 | 17 | 8 | 39 | SENE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 17 | 8 | 39 | SWNE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 17 | 8 | 39 | NWNW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 1.80 | 17 | 8 | 39 | SWNW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 17 | 8 | 39 | SENW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 18 | 8 | 39 | NENE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 1.80 | 18 | 8 | 39 | SWNE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 1.80 | 18 | 8 | 39 | SENE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 1.80 | 8 | 8 | 39 | NENE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 8 | 8 | 39 | NWNE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 8 | 8 | 39 | SENE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 8 | 8 | 39 | NENW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 1.80 | 8 | 8 | 39 | NWNW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 8 | 8 | 39 | SWNW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 8 | 8 | 39 | NESE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 8 | 8 | 39 | SESE |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 10 | 8 | 39 | SWNW |
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 10 | 8 | 39 | NWSW |

| | | | | | | | |
|------------------------|-----------|---|--------|----|---|----|------|
| 4437 | 12/4/1899 | Kilmerque, Rock, Pine, & Willow Creeks | 0.90 | 10 | 8 | 39 | SWSW |
| T6547 | 1909 | Pine Creek | 32.70 | 21 | 8 | 39 | NWSE |
| Total Canceled Acreage | | | 276.96 | | | | |

FINDINGS

The Director has examined the petition and map submitted by Kerns Brothers, Inc. and the Report of Findings prepared by OWRD Eastern Region staff. The petition and Report of Findings are on file at the Water Resources Department. Based on the examination and report, the Director finds:

1. Kerns Brothers, Inc. filed a petition and map in a timely manner, as required by ORS 541.327.
2. The petitioned lands are served by Welch, Williams and Cartmill Ditch Companies, formed prior to 1917, and are qualifying organizations as defined in ORS 541.325.
3. The content and quality of Kerns Brothers, Inc. petition and map meet the requirements of ORS 541.327.
4. The acreage petitioned is within the limits of the eligible water rights and the limits set in ORS 541.331 (4).
5. The changes may be made without injury to existing water rights.
6. The original irrigation season, rate, duty and all other conditions and limitations contained in the Powder River Decree or as placed on the individual certificates of water right which are not a part of the Powder River Decree shall remain in effect for all rights petitioned.
7. Kerns Brothers, Inc. has met the requirements of ORS 541.325 to 541.333 for issuance of new certificates confirming the present use and place of use of the petitioned water rights.
8. Kerns Brothers, Inc. and Baker County have authorized cancellation of the irrigation use of 276.96 acres as listed in Table 4. Kerns Brothers, Inc. have also authorized the cancellation of the domestic and stock uses under certificates 55731 and 7475, Kilmerque Creek as a source under certificate 4437, the diminution of primary irrigation to supplemental irrigation for certificates 7475, 10017, and 55731.

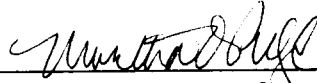
9. No new points of diversion are authorized as a result of this petition.
10. Kerns Brothers, Inc. have met the notice requirement of ORS 541.329(5).
11. No protests pursuant to ORS 541.311(1) were filed.
12. No comments pursuant to OAR 690-13-310(4) were received.
13. The Eastern Region Staff identified some typing mistakes in the proposed order. These mistakes were corrected herein.

THEREFORE, it is hereby **ORDERED**:

1. That the petition and map submitted by Kerns Brothers, Inc. is accepted and approved.
2. That certificates 4081,4403, 4437, 4563, 7475, 10017, 33795, 33902, 41951, 48779, 48781, 49493, 50885, 55731, 68343 and water right transfers 6547 and 6785 are canceled.
3. That certificates confirming the present uses and place of use as listed in TABLE 2, shall be issued.
4. That the rights to irrigate those lands listed in Table 4, pursuant to ORS 541.325 to 541.333 and ORS 540.621, is canceled.
5. That the rights for the uses of stock and domestic under certificates 55731 and 7475, pursuant to ORS 541.325 to 541.333 and ORS 540.621, is canceled.
6. That the right for the use of Kilmerque Creek as a source under certificate 4437, pursuant to ORS 541.325 to 541.333 and ORS 540.621, is canceled.
7. That certificates 7475, 10017, and 55731 shall be diminished from primary irrigation to supplemental irrigation, pursuant to ORS 541.325 to 541.333 and ORS 540.621.
8. That remaining right certificates shall be issued for those portions of the canceled certificates modified by this order, or any other order pursuant to ORS 541.325 to 541.333.

9. The original irrigation season, rate, duty and all other conditions and limitations contained in the original water rights shall remain in effect for the rights petitioned.

WITNESS the signature of the Oregon Water Resources Director,
affixed this day **OCT 28 1996**_____.



Martha O. Pagel, Director
Oregon Water Resources Department