

KERNS

3673

STATUS OF APPLICATION

Change in POU  
 Date filed 5-13-77  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 1-27-78 Vol. 30, page 333  
Amending OR. 3-13-79 Vol. 31, page 690  
 Date for application of water 10-1-79

Proof mailed \_\_\_\_\_

Proof received MAR 17 1978 Vol. 37, page 45232

Certificate issued MAR 17 1978 Vol. 37, page 45233  
40 47674

MAR 30 1979

Surveyed 1-12-82 (Kern)

FEB 9 1989

FEB 9 1989

60008

60009

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream ROCK CREEK  
 Trib. of \_\_\_\_\_ County of Baker  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 80<sup>e</sup>  
 Name of ditch Hunstock Myers Ditch  
 Date of priority \_\_\_\_\_

In name of \_\_\_\_\_  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page 401

App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 4243  
4244

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>5-13-77</u>	<u>42 50</u>	<u>60486</u>
TOTAL . . .		
<u>4-14-78</u>	<u>#4 Cert. Fee</u>	<u>Transferred from 60486</u>
<u>3-19-79</u>	<u>160</u>	<u>9709</u>

FEES REFUNDED

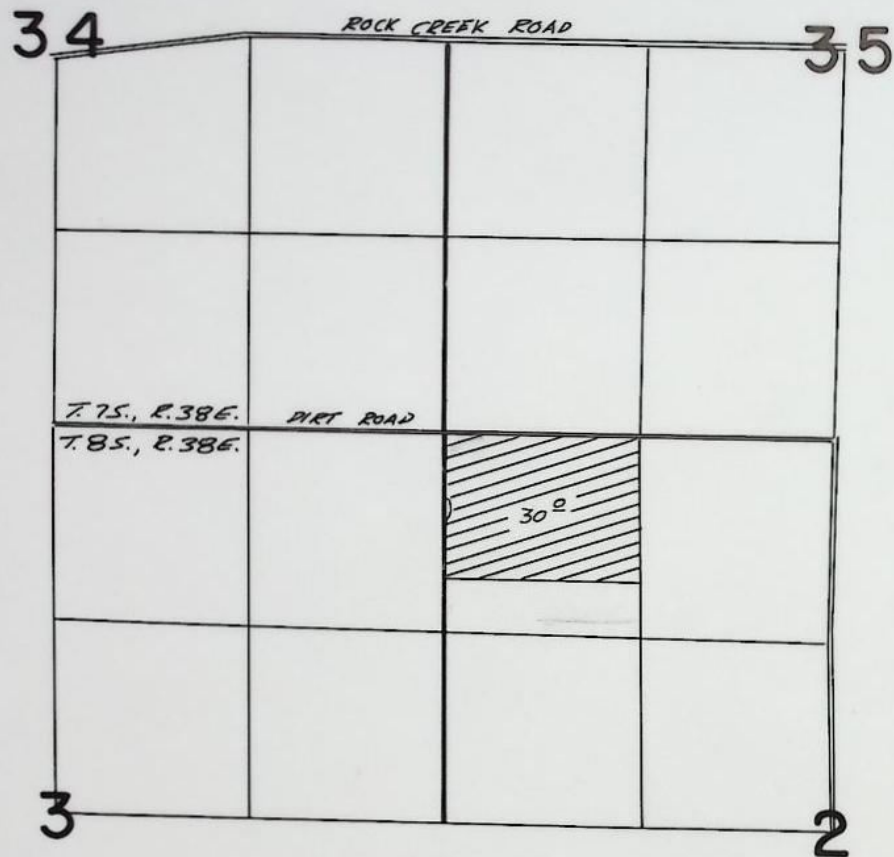
Date	Amount	Check No.
	<u>\$6-</u>	
Exam	<u>20</u>	
A POU (4900)	<u>12 50</u>	
Cert (2)	<u>4-</u>	
	<u>36 50</u>	

CARD FOR C DEC 26 1979

- finis -

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lij</u>	<u>---</u>
<input checked="" type="checkbox"/> Stream	<u>lij</u>	<u>---</u>
<input checked="" type="checkbox"/> Pl. of Div.	<u>lij</u>	<u>---</u>
<input checked="" type="checkbox"/> Calendar	<u>lij</u>	<u>---</u>
CHECKED TO RECORD:		
<input checked="" type="checkbox"/> Twp. & Rep.	<u>lij</u>	<u>---</u>
<input checked="" type="checkbox"/> Decree-vault	<u>lij</u>	<u>---</u>
<input checked="" type="checkbox"/> Decree-safe	<u>lij</u>	<u>---</u>
<input checked="" type="checkbox"/> Cert. of W/R	<u>lij</u>	<u>---</u>
<input checked="" type="checkbox"/> Per. Folder	<u>---</u>	<u>---</u>
<input checked="" type="checkbox"/> Chainindex	<u>---</u>	<u>---</u>
<input checked="" type="checkbox"/> Cross Ref.	<u>---</u>	<u>---</u>
<input checked="" type="checkbox"/> Power Claim	<u>lij</u>	<u>---</u>
<input checked="" type="checkbox"/> Abstracts	<u>lij</u>	<u>---</u>

T. 7 & 8S., R. 38E., W.M.



**FINAL PROOF SURVEY**  
UNDER

**TRANSFER 3673**

IN NAME OF

**JAMES E., TOM L. KERNS**

Surveyed April 12, 1982, by Vernon L. Church



OK Cont.  
AE

STATE OF OREGON

COUNTY OF **BAKER**

CERTIFICATE OF WATER RIGHT

This is to Certify, That

*James E. Kerns & Tom L. Kerns*  
F. O. HUNSTOCK

*R+1 Box 28, Haines*  
of ~~Baker~~, State of Oregon *97833* has a right to the use of

the waters of **Rock Creek, tributary of Powder River**

for the purpose of **the irrigation of 22.9 acres of land**

*19 200 acres*

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for **Baker** County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume **6**, at page **291**, that the priority of the right thereby confirmed dates from **1868**

*0.5 cfs*

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **1/40 of one cubic foot per second per acre**; and shall be subject to all other conditions and limitations contained in said decree

A description of the lands irrigated under such right; and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

**80 acres in the Southeast quarter of Southwest quarter of Section Six, 34 acres in the Northeast quarter of Northwest quarter and 8.9 acres in the Northwest quarter of Northwest quarter of Section Seven, Township Eight South, Range Thirty-nine East of Willamette Meridian, in Baker County, Oregon.**

*34 Ac Trsf: Sp. Or. V. 9, p. 458*

*20 acres NW 1/4 NW 1/4  
Sec 2  
T. 8 S., R. 38 E., W. 1 M.*

POD SW 1/4 NE 1/4, Section 34, T. 7 S., R. 38 E., W. 1 M., Hm

1 Clause

This certificate is issued to confirm a change in *place of use* approved *Jan 27, 1978 & March 13, 1979* by an order of the Water Resources Director entered *Jan 27, 1978*, and together with certificate **45232**, supersedes certificate **4243**, State Record of Water Right Certificates.

The issuance ..... **540.610**

15th day  
of February, 1978

STATE WATER BOARD

(Seal of State Water Board)

By **PERCY A. CUPPER**  
State Engineer, President

Attest:

**F. W. POTTER**  
Secretary

Recorded in State Record of Water Right Certificates, Volume **5**, page **4243**

*60009*

7:44



OK Cert  
OE

## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This is to Certify, That

James E. & Tom L. Kerns  
MAYHELLE C. HUNSTOCK

R+1 Box 28, Haines

of

Baker

, State of

Oregon 97833

has a right to the use of

the waters of

Rock Creek, tributary of Powder River

for the purpose of

the irrigation of 77 acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Baker County, and the said decree entered of record at Salem, in the Order  
Record of the STATE WATER BOARD of the State of Oregon, in Volume 6, at page 291;  
that the priority of the right thereby confirmed dates from 1868

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 1/40 of one cubic foot  
per second per acre; and shall be subject to all other conditions and limitations  
contained in said decree

A description of the lands irrigated under such right, and to which the water is appurtenant  
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

10-20 acres in the Southeast quarter of Southwest quarter; 37 acres in the  
Southwest quarter of Southeast quarter and 20 acres in the Southeast quarter of  
Southeast quarter of Section Six, Township Eight South, Range Thirty-nine East of  
Willamette Meridian, in Baker County, Oregon.

NW 1/4 NW 1/4 10.0 acre  
Sec 2

T. 8 S., R. 38 E., W. 1 M.

## 1 Clause

This certificate is issued to confirm a change in place of use approved  
by an order of the Water Resources Director entered Jan 27, 1973, and  
together with certificate 47674, supersedes certificate 4244,  
State Record of Water Right Certificates.

The issuance ..... 540.610

of February, 1923

STATE WATER BOARD

(Seal of State Water Board)

By ..... PERCY A. CUPPLE  
State Engineer, President

Attest:

..... R. A. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 5, page 4244

T-3673

60008

POD SW 1/4 NE 1/4, Sec 34, T. 7 S., R. 38 E., W. 1 M., Hunstock-Meyers Ditch

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION )  
OF TOM L. KERNS FOR APPROVAL OF )  
A CHANGE IN PLACE OF USE OF WATER)  
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ORDER AMENDING  
ORDER APPROVING  
TRANSFER NO. 3673

The order of the Water Resources Director entered January 27, 1978, and recorded at pages 333 and 334, Volume 30, Special Order Record, approving water right transfer application No. 3673, in the name of Tom L. Kerns, was in error at paragraphs 3 and 5 on page 333. Through clerical error, the application and order proposed to duplicate water rights from the same source on the same certain 10.0 acres of land within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 35, Township 7 South, Range 38 East, W.M.

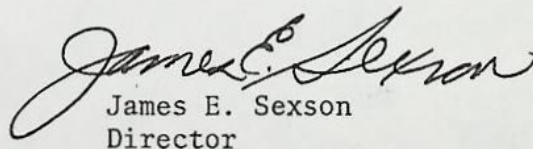
To correct the error, paragraph 3 on page 333 should be amended to provide:

"The certificate recorded at page 4244, Volume 5, State Record of Water Right Certificates, in the name of Maybelle C. Hunstock, describes a right which includes the use of water from Rock Creek for irrigation of a certain 10.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, Township 8 South, Range 39 East, W.M., with a date of priority of 1868."; and paragraph 5 on page 333 should be amended to provide:

"The applicant herein, owner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, Township 8 South, Range 39 East, W.M., as described above, proposes to sever the above described rights therefrom and, without loss of priority, to irrigate in lieu thereof a certain 30.0 acres in N 3/4 NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 8 South, Range 38 East, W.M."

NOW, THEREFORE, it is ORDERED that the order of the Water Resources Director entered January 27, 1978, and recorded at pages 333 and 334, Volume 30, Special Order Record, be, and the same hereby is, amended at paragraphs 3 and 5 on page 333 as set forth above.

Dated at Salem, Oregon this 13th day of March, 1979.

  
James E. Sexson  
Director

1312640



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

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

ORDER APPROVING  
TRANSFER NO. 3673

On May 13, 1977, an application was filed in the office of the Water Resources Director by Tom 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.

As modified in accord with the provisions of the order of the State Engineer, entered on November 17, 1958, approving transfer application No. E-31, the right previously described by the certificate recorded at page 4243, Volume 5, State Record of Water Right Certificates, now exists of record for the appropriation of water from Rock Creek for irrigation of a certain 34.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1 of Township 8 South, Range 38 East, W.M.; 20.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, and 8.9 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 7 of Township 8 South, Range 39 East, W.M., with a date of priority of 1868.

The certificate recorded at page 4244, Volume 5, State Record of Water Right Certificates, in the name of Maybelle C. Hunstock, describes a right which includes the use of water from Rock Creek for irrigation of a certain 20.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, Township 8 South, Range 39 East, W.M., with a date of priority of 1868.

Water for the said rights is diverted, through the Hunstock-Meyers Ditch, from a point located 10 feet North and 2 feet East from the Southwest Corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  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 SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, Township 8 South, Range 39 East, W.M., as described above, proposes to sever the above described rights therefrom and, without loss of priority, to irrigate in lieu thereof a certain 10.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 35, Township 7 South, Range 38 East, W.M.; and 30.0 acres in N $\frac{3}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, 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.

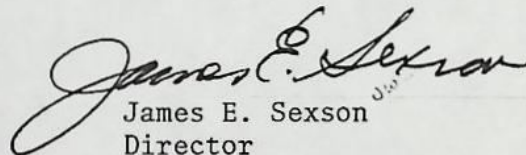
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to F. G. Hunstock and recorded at page 4243, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof, a new certificate be issued covering the balance of the right 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, a confirming certificate of water right shall be issued to the applicant herein.

The order of the State Engineer, entered November 17, 1958, approving transfer application No. E-31 for a change in place of use, provided for cancellation of the certificate issued to Maybelle C. Hunstock and recorded at page 4244, Volume 5, State Record of Water Certificates, and for issuance of a superceding certificate.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered November 17, 1958, approving transfer application No. E-31, 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 27th day of January, 1978.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

MAYBELLE C. HUNSTOCK

of Baker, State of Oregon, 97314, has  
a right to the use of the waters of Rock Creek

a tributary of Powder River for the purpose of  
the irrigation of 67.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Baker County, and the said decree entered of record at Salem, in the Order Record of  
the WATER RESOURCES DIRECTOR, in Volume 6, at page 291; that the priority of the  
right thereby confirmed dates from 1868

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 1/40 of one cubic  
foot per second per acre; and shall be subject to all other conditions and  
limitations contained in said decree.

The point of diversion is located in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 34, T. 7 S., R. 38 E., W. M.;  
Hunstock-Meyers Ditch - 10 feet North and 2 Feet East from the SW Corner, SW $\frac{1}{4}$   
NE $\frac{1}{4}$  of Section 34

A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

10.0 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
37.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
20.0 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 6  
T. 8 S., R. 39 E., W. M.

This certificate supersedes and corrects the certificate recorded at page 45233,  
Volume 37, State Record of Water Right Certificates, and

describes that portion of the water right confirmed by the prior  
certificate recorded at page 4244, Volume 5, State Record of Water Right  
Certificates, NOT modified by the provisions of an order of the Water Resources  
Director entered on January 27, 1978, approving transfer application No. 3673.

The issuance of this superseding certificate does not confirm the status of the  
water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date March 17, 1978.

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 45233



## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This is to Certify, That F. G. HUNSTOCK

of Baker, State of Oregon <sup>97814</sup> has a right to the use of  
the waters of Rock Creek, tributary of Powder River,  
for the purpose of the irrigation of <sup>42.9</sup>~~62.9~~ acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Baker County, and the said decree entered of record at Salem, in the Order  
Record of the STATE WATER BOARD of the State of Oregon, in Volume 6, at page 291;  
that the priority of the right thereby confirmed dates from 1868

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 1/40 of one cubic foot  
per second per acre; and shall be subject to all other conditions and limitations  
contained in said decree

A description of the lands irrigated under such right, and to which the water is appurtenant  
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

34.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  ✓

Section 1

T 8 S, R 38 E, W.M.

8.9 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ 

Section 7

T 8 S, R 39 E, W.M.

*SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 34 T7S R38E WM; Hunstock-Meyers Ditch*  
*Div. Pt. 10' N & 2' E from the SW Cor of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 34, T7S, R38E, WM.*  
*being within the said SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 34 (Hunstock-Meyers Ditch)*

This certificate describes that portion of the water right confirmed by the prior  
certificate recorded at page 4243, Volume 5, State Record of Water Right  
Certificates, NOT modified by the provisions of an order of the Water Resources  
Director entered on Jan 27, 1978, approving transfer application No. 3673;  
and confirms a change in place of use under the provisions of the order of the State Engineer dated  
The issuance of this superseding certificate does not confirm the status of the  
water right in reference to ORS 540.610.

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER  
State Engineer, President

Attest:

F. W. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 5, page 4243

Nov. 17, 1958, approving transfer application E-31