

Name Tim L. Kerns

By _____

Address Rt. 1, Box 30-AHaines, OR 97833Change in POU & PODDate filed 1-19-78

Date of hearing _____

Place of hearing _____

Date of order 3-28-78 Vol. 30, page 496Date for application of water 10-1-79Proof mailed NOV 19 1984

Proof received _____

Certificate issued JUN 22 1978 Vol. 38, page 45847JUN 22 1978 - 38 - 45848MAR 21 1985 - 47 - 52916MAR 21 1985 - 47 - 52917 ss by 74062

REMARKS

3868

DESCRIPTION OF WATER RIGHT

Name of stream Rock CreekTrib. of Powder Riv. County of BakerUse Irr.Quantity of water _____ No. of acres 80-

Name of ditch _____

Date of priority January 20, 1968In name of John I. MyersPowder River Adjudication, Vol. 6, page 422App. No. _____ Per. No. _____ Cert. No. 4372

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-18-77</u>	<u>\$ 27-</u>	<u>63340</u>
<u>1-19-78</u>	<u>\$ 15 50</u>	<u>744</u>
TOTAL . . .		
<u>3-22-78</u>	<u>4</u> Cert. Fee	<u>1720</u>

FEES REFUNDED

Date	Amount	Check No.


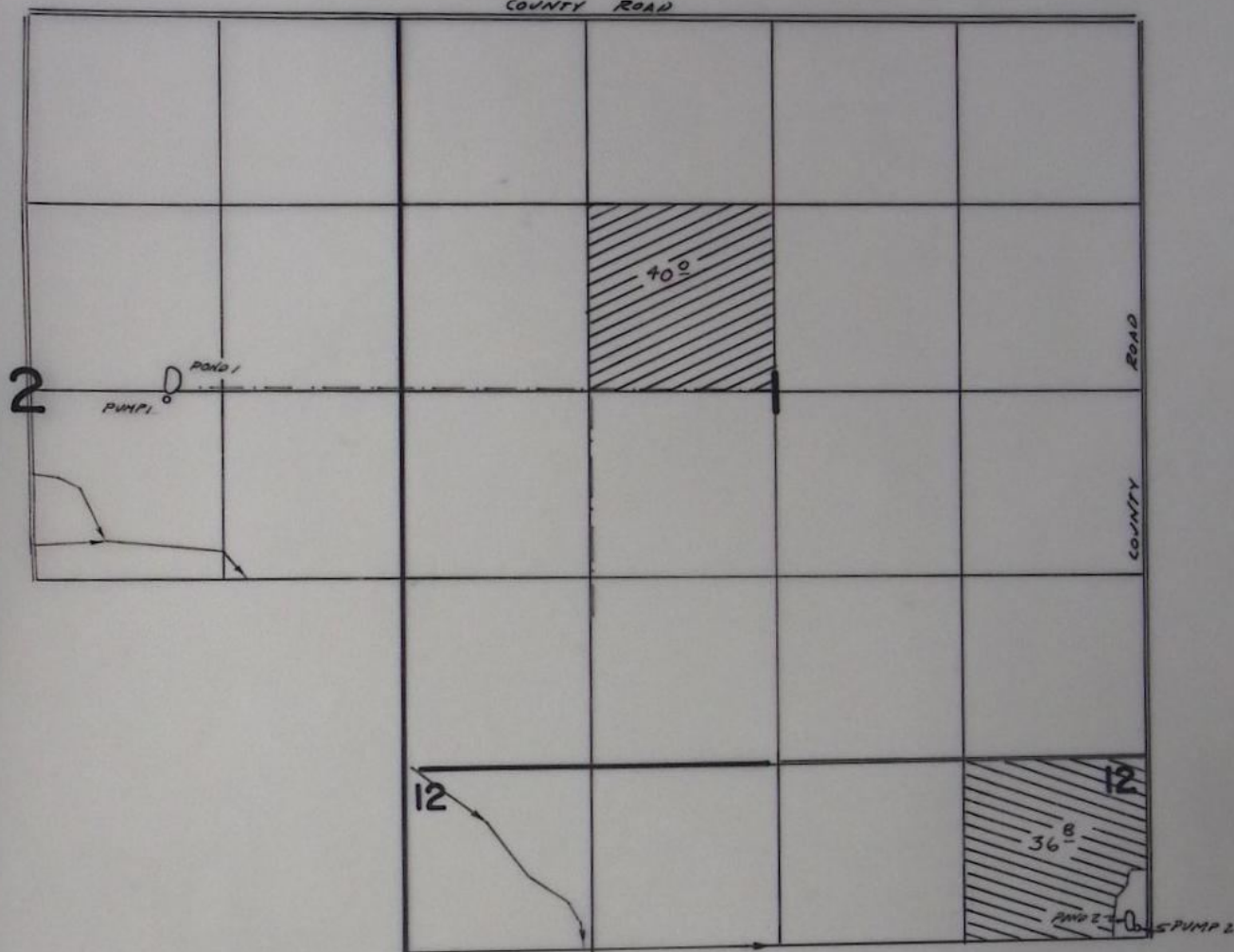

EAD FOR C DEC 26 1979

Form 130 sent DEC 26 1984

W.R.I.S.	
Assembled <u>7-1-85</u> by <u>SAJ</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>lg</u>	
<input checked="" type="checkbox"/>	Stream		<u>lg</u>	
<input checked="" type="checkbox"/>	Pt. of Div.			
<input checked="" type="checkbox"/>	Calendar		<u>lg</u>	
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>lg</u>	
<input checked="" type="checkbox"/>	Decree-vault	<u>wsa</u>	<u>lg</u>	
<input checked="" type="checkbox"/>	Decree-safe	<u>lg</u>		
<input checked="" type="checkbox"/>	Cert. of W/R	<u>wsa</u>	<u>lg</u>	
	Per. Folder			
	Chadindex			
	Cross Ref.			
	Power Claim			
<input checked="" type="checkbox"/>	Abstracts		<u>lg</u>	

COUNTY ROAD

 1868 1894

TRANSFER 3868

TIM L. KERNS

Surveyed 4-12 1982, by Vernan L. Church

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.

V30, P496

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.

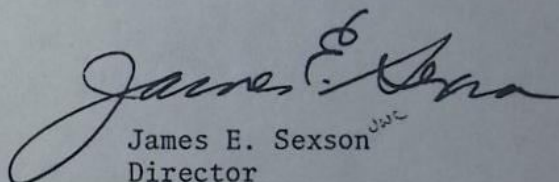
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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

T-3868

STATE OF OREGON

COUNTY OF

BAKER

SUPERSEDED
CERTIFICATE NO.

45848

CERTIFICATE OF WATER RIGHT

This is to Certify, That Tim L. Kerns

JOHN I. MYERS

of Haines, State of Oregon 97533 has a right to the use of
the waters of Rock Creek, tributary of Powder River
for the purpose of the irrigation of 260 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 January 20, 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:

40 acres in the Southwest quarter of Southeast quarter of Section One:
40 acres in the Northeast quarter of Northeast quarter; 40 acres in the North-
west quarter of Northeast quarter; 20 acres in the Southeast quarter of North-
east quarter; 35 acres in the Southwest quarter of Northeast quarter; 40 acres
in the Northeast quarter of Northwest quarter; 20 acres in the Southeast quarter
of Northwest quarter and 25 acres in the Northwest quarter of Northwest quarter
of Section Twelve, Township Eight South, Range Thirty-eight East of Willamette
Meridian, in Baker County, Oregon.

40.0 acres ^{SE/4} SW 1/4 NW 1/4

SEC 1

T 85 R 38 E W 11

This certificate is issued to confirm a change in place of use and point of
diversion approved by an order of the Water Resources Director
entered 3-28-78 and together with certificate of water right
recorded at page 4374, Volume 38, State Record of Water Right
Certificates, supersedes certificate of water right recorded at
page 4374, Volume 38, State Record of Water Right Certificates

The issuance of this superseding certificate does not confirm the status of
the water right in regard to the provisions of ORS 540.610 pertaining to
forfeiture or abandonment.

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 5, page 4372

T-3868

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That ASA L. BROWN

of Haines, State of Oregon has a right to the use of

the waters of Marble or Gravel Creek, Rock Creek and Willow Creek, tributaries of Powder River

for the purpose of the irrigation of ^{139.8}~~479.8~~ 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 231; that the priority of the right thereby confirmed dates from 1864 for 25 acres, 1901 for 18 acres, 1868 for 173.8 acres, 1894 for ~~120~~ acres, in Tract No. 1; October 12, 1864 for 60 acres, 1868 for 60 acres, and 1883 for 23 acres, in Tract No. 2.

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 $\frac{1}{40}$ of one cubic foot per second per acre; and shall be subject to all other conditions and limitations.

Tract No. 1 - Marble or Gravel Creek and Rock Creek

40.0 acres NE⁴NW⁴
 40.0 .. NW⁴NW⁴
 40.0 .. SW⁴NW⁴
 40.0 .. NE⁴SW⁴
 40.0 .. NW⁴SW⁴
 13.8 .. SW⁴SW⁴
 40.0 .. SE⁴SW⁴

Sec 1

2.0 acres NE⁴SE⁴
 9.0 .. NW⁴SE⁴
 20.0 .. SW⁴SE⁴
 12.0 .. SE⁴SE⁴

Sec 2

TBS R38EWM

Tract No. 2 - Willow Creek

20.0 acres SW⁴SW⁴
 Sec 1
 40.0 acres SW⁴NE⁴
 40.0 .. SE⁴NE⁴
 24.0 .. NE⁴SE⁴
 19.0 .. NW⁴SE⁴

Sec 2

TBS R38EWM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4029, Volume 5, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on March 28, 1978, approving transfer application No. 3868.

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

248

1584