

TEMPORARY

Name Tom & Fawn Kerns

Address 13974 Launchpad Ln
Haines, OR 97833
fawnkerns@gmail.com

Change in POU

Date Filed 7/10/2025

Initial notice date 7/22/2025

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 8/27/2025 Vol 135 Page 449-453

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Rock Creek, Drain Ditch, A Spring, Willow CreekTrib. of Powder River, unnamed stream, Willow CreekUse Irrigation County Baker

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# Decree Per # Powder River Cert # 91650 PR Date 12/31/1868App# S-39273 Per # S-29252 Cert # 55204 PR Date 11/29/1963App# S-44284 Per # S-33077 Cert # 97063 PR Date 11/27/1967

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

| Date | Amount | Receipt # |
|-----------|------------|-----------|
| 7-10-2025 | \$1,817.80 | 145603 |

FEES REFUNDED

| Date | Amount | Receipt # |
|------|--------|-----------|
|------|--------|-----------|

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Baker County
☐ - Oversized map - Location _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **145603**

INVOICE # _____

RECEIVED FROM: Tater Inc.
BY: Tom and Paula Kerns

| | |
|-------------|-------------------|
| APPLICATION | |
| PERMIT | |
| TRANSFER | <u>See Bc/100</u> |

CASH: ☐ CHECK:# 2111 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 3,316.00

1083 TREASURY 4170 WRD MISC CASH ACCT

| | |
|-------------------|----|
| 0407 COPIES | \$ |
| OTHER: (IDENTIFY) | \$ |

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

| | | |
|--------------------------------|--------------------------------|----|
| 0407 COPY & TAPE FEES | <u>\$1,146.98 = \$1,877.80</u> | \$ |
| 0410 RESEARCH FEES | <u>\$2,146.99 = \$4,438.20</u> | \$ |
| 0408 MISC REVENUE: (IDENTIFY) | | \$ |
| TC162 DEPOSIT LIAB. (IDENTIFY) | | \$ |
| 0240 EXTENSION OF TIME | | \$ |

WATER RIGHTS:

| | | | |
|--------------------|--------------------|------|------------|
| 0201 SURFACE WATER | EXAM FEE | 0202 | RECORD FEE |
| 0203 GROUND WATER | \$ | 0204 | \$ |
| 0205 TRANSFER | \$ <u>3,316.00</u> | | |

WELL CONSTRUCTION

| | | | |
|-----------------------------|----------|------|-------------|
| 0218 WELL DRILL CONSTRUCTOR | EXAM FEE | 0219 | LICENSE FEE |
| LANDOWNER'S PERMIT | \$ | 0220 | \$ |

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

| | | |
|---------------------------|----|-------|
| 0211 WELL CONST START FEE | \$ | CARD# |
| 0210 MONITORING WELLS | \$ | CARD# |
| OTHER (IDENTIFY) | | |

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

| | |
|---------------------------------|----|
| 0233 POWER LICENSE FEE (FW/WRD) | \$ |
| 0231 HYDRO LICENSE FEE (FW/WRD) | \$ |
| HYDRO APPLICATION | \$ |

TREASURY OTHER / RDX

| | |
|-------------------|----------------|
| FUND _____ | TITLE _____ |
| OBJ. CODE _____ | VENDOR # _____ |
| DESCRIPTION _____ | \$ _____ |

RECEIPT:

145603

DATED: 7-10-2025 BY: [Signature]



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

August 27, 2025

Tom and Fawn Kerns
13974 Launchpad Lane
Haines, OR 97833

REFERENCE: District Temporary Transfer Application T-14698

Enclosed is a copy of the final order approving your TEMPORARY water right transfer application.

The temporary change shall be effective at the **beginning of the 2025 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2029 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at Joan.m.smith@water.oregon.gov.

Sincerely,

David V. Jones Jr
Water Rights Services Support
Transfers and Conservation Section

cc: Marcy J. Osborn, Watermaster Dist. # 8 (via email)
Baker County, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

| | | |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Transfer Application |) | FINAL ORDER APPROVING A TEMPORARY |
| T-14698, Baker County |) | CHANGE IN PLACES OF USE |

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

TOM AND FAWN KERNS
13974 LAUNCHPAD LANE
HAINES, OR 97833

Findings of Fact

1. On July 10, 2025, Tom and Fawn Kerns filed an application to temporarily change the place of use under Certificates 91650, 97063, and 35204 for a period of 5 years. The Department assigned the application number T-14698.

2. Notice of the application for transfer was published on July 22, 2025, pursuant to OAR 690-380-4000.

3. The first right to be temporarily transferred is as follows:

| | |
|-----------------------|---|
| Certificate: | 91650 in the name of KERNS RAINBOW RANCH, INC. (confirmed by the Powder River, Consolidated Decree Volume 6, at Page 291) |
| Use: | IRRIGATION of 57.0 ACRES |
| Priority Date: | 1868 |
| Rate: | 1.42 CUBIC FEET PER SECOND |
| Limit/Duty: | The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-FORTIETH of |

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

one cubic foot per second per acre, or its equivalent for each are irrigated and shall be further limited to all other conditions and limitations contained in said decree.

Source: ROCK CREEK, a tributary of the POWDER RIVER

Authorized Points of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|---|
| 7 S | 38 E | WM | 34 | NE SW | HUNSTOCK -MEYERS DITCH (ORIGINAL POD #2) -2663 FEET SOUTH AND 2687 FEET WEST FROM THE NE CORNER OF SECTION 34 |
| 7 S | 38 E | WM | 34 | NW SW | BROWN – DELONG DITCH (ADDITIONAL POD #1) -3567 FEET SOUTH AND 5087 FEET WEST FROM THE NE CORNER OF SECTION 34 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 8 S | 39 E | WM | 6 | SW SE | 37.0 |
| 8 S | 39 E | WM | 6 | SE SE | 20.0 |
| Total | | | | | 57.0 |

4. Temporary Transfer Application T-14698 proposes to temporarily change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 8 S | 39 E | WM | 7 | NE NE | 30.0 |
| 8 S | 39 E | WM | 7 | SW NW | 27.0 |
| Total | | | | | 57.0 |

5. The portion of the second right to be temporarily transferred is as follows:

Certificate: 97063 in the name of TIM KERNS, JANICE KERNS, NORTHWEST FARM CREDIT SERVICES FLCA (perfected under Permit S-33077)

Use: IRRIGATION of 30.0 ACRES

Priority Date: NOVEMBER 27, 1967

Rate: 0.29 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH 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 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WILLOW CREEK, a tributary of POWDER RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|--|
| 8 S | 39 E | WM | 7 | NW NW | 1150 FEET SOUTH AND 1020 FEET EAST FROM THE NW CORNER OF SECTION 7 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 8 S | 39 E | WM | 7 | NE NE | 30.0 |

6. Temporary Transfer Application T-14698 proposes to temporarily change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 8 S | 39 E | WM | 6 | SW SE | 30.0 |

7. The portion of the third right to be temporarily transferred is as follows:

Certificate: 35204 in the name of ESTATE OF BEULAH SACKOS; C/O MARCUS C. SACKOS (perfected under Permit S-29252)

Use: IRRIGATION of 27.0 ACRES

Priority Date: NOVEMBER 29, 1963

Rate: 0.44 CUBIC FOOT PER SECOND (CFS); BEING 0.15 CFS from DRAIN DITCH and 0.29 CFS from the SPRING

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH 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 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: DRAIN DITCH AND SPRING a tributary of WILLOW CREEK

Authorized Points of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | GLot | Measured Distances |
|-----|------|-----|-----|-------|------|---|
| 8 S | 38 E | WM | 12 | SE NE | | 1900 FEET SOUTH AND 870 FEET WEST FROM THE NE CORNER OF SECTION 12 |
| 8 S | 38 E | WM | 12 | NW NW | | 1150 FEET SOUTH AND 4290 FEET WEST FROM THE NE CORNER OF SECTION 12 |
| 8 S | 39 E | WM | 7 | SW NW | 2 | 1410 FEET SOUTH AND 490 FEET EAST FROM THE NE CORNER OF SECTION 12 |

Authorized Place of Use:

| IRRIGATION – FROM SPRING AND DRAIN DITCH | | | | | |
|--|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 8 S | 39 E | WM | 7 | SW NW | 27.0 |

8. Temporary Transfer Application T-14698 proposes to temporarily change the place of use of the right to:

| IRRIGATION – FROM SPRING AND DRAIN DITCH | | | | | |
|--|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 8 S | 38 E | WM | 6 | SE SE | 27.0 |

Temporary Transfer Review Criteria

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, open ditches for flood irrigation and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed change would prevent the lands from which the water rights are removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
12. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

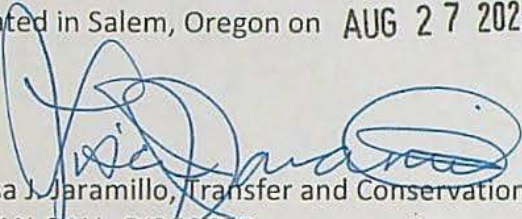
The temporary change in places of use to convey water to the temporary place of use proposed in Temporary Transfer Application T-14698 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

13. The temporary change in places of use proposed in Temporary Transfer Application T-14698 is approved.
14. The former place of use **shall not** be irrigated as part of these water rights during the 2025, 2026, 2027, 2028, and 2029 irrigation seasons.
15. The use shall revert to the authorized place of use at the end of the 2029 irrigation season.

16. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
17. A subsequent application for permanent transfer of Certificates 91650, 97063, and 35204, shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
18. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 91650, 97063, and 35204.
19. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
20. The use of the remaining water rights described by Certificates 91650, 97063, and 35204 shall continue to be in accordance with the terms and conditions of Certificates 91650, 97063, and 35204.

Dated in Salem, Oregon on **AUG 27 2025**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: **AUG 28 2025**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14698

Transfer Specialist: Joan

Transfer Type: Temporary Transfer

DROUGHT? ☐

| | | |
|---|-------------------------------|-----------------------------|
| Applicant: Tom and Fawn Kerns 13974 Launchpad Lane Haines, OR 97833 | Agent: - | Receiving Landowner: |
| Current Landowner if other than Applicant: | CWRE: | Irrigation District: |
| Affected Local Gov'ts: Baker County | Affected Tribal Gov't: | BOR Notified (date): |

Water Rights Affected

| File Marked | App. File # or Decree Name | Permit | Certificate |
|--------------------------|----------------------------|--------------|-------------|
| <input type="checkbox"/> | Decree | Powder River | 91650 |
| <input type="checkbox"/> | S-39273 | S-29252 | 35204 |
| <input type="checkbox"/> | S-44284 | S-33077 | 97063 |

Key Dates & Initial Actions (Support Staff)

| | | |
|----------------------------------|---|--------------------------|
| Rec'd: July 10, 2025 | Proposed Action(s): PLACE OF USE | |
| Fees Pd: 1877.80 | Acknowledgement Letter Sent <input checked="" type="checkbox"/> | Basin: 9 Powder |
| Initial Public Notice: 7/22/2025 | County sent cc: of Ack Letter <input checked="" type="checkbox"/> | County: BAKER |
| WM District: 8 Marcy J. Osborn | WM Review request sent: 7/15/2025 | WM Review date received: |
| Groundwater | GW Review sent: | GW Review date received: |

Peer Review:

| Document | Drafted | Peer Review | Coordinator | Changes Made | Signature Bin | Signature Date |
|----------|--|---|---|--------------------------------|--|------------------------|
| FO | Date: <u>8/7/25</u> Initials: <u>Joan</u> | Date: <u>8/8/25</u> Initials: <u>Sut</u> | Date: <u>8-13-25</u> Initials: <u>CC</u> | Date: _____ Initials: _____ | Date: _____ No. of docs for sig: _____ WM Sheet <input type="checkbox"/> | Date: <u>8/27/2025</u> |

Special Issues: POU A 5 year temp

Special Order Volume: Vol. 135 Pages 449-453

Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-14698

Review Due Date: 08/14/2025

Applicant Name: Tom & Fawn Kerns

Proposed Changes: ☒ POU ☐ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Marcy Osborn

Date of Review: 08/01/2025

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Rock Creek is heavily regulated every year.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☒ Yes ☐ No If "Yes", explain:

This is a "flip flop" of priority dates so all ground will receive water.

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☒ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer?
☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☒ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

No conditions needed to be added to this transfer. All POD's currently have measuring devices on them.

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14698

- ☐ In order to avoid enlargement of the right or injury to other rights, a _____ will be required to be installed prior to diversion of water, as a condition of this transfer:
- ☐ at each point of diversion/appropriation (new and existing) **OR**
- ☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Marcy Osborn

District: 8

Address: 39155 Pocahontas Rd.

City/State/Zip: Baker City, OR 97814

Phone: 541-519-6395

Email: marcy.j.osborn@water.oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature_____
District_____
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Temporary Transfer Application Intake Checklist

Transfer # T-14698

| | | | |
|--|--|--|--|
| Reviewer <u>Joan</u> | Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u> | | |
| Date <u>7/14/25</u> | <input checked="" type="checkbox"/> POU | <input type="checkbox"/> POU/POD | <input type="checkbox"/> POU/APOD <input type="checkbox"/> POU/POA <input type="checkbox"/> POU/APOA |
| Calculated Fee \$ <u>1877.80</u> <small>Use fee calculator on back of this form</small> | | Fee Received \$ <u>1877.80</u> | |
| Certificate(s): | | Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled | |
| For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs | | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A |
| Notes: | | | |

Application: OAR 690-380-3000; OAR 690-380-3220

| | | |
|----|--|--|
| 1. | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing? |
| 2. | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | Part 5 of application: Does the information match the description of the explanation on Part 4 of the application? |
| 3. | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A | For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2? |

Map Requirements: OAR 690-380-3100

| | | |
|--------|--|---|
| 4. | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | Map included and meets mapping requirements? |
| 5. | <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A | Map Waiver? The map waiver must be issued by the Department |
| Notes: | | |

Attachments: OAR 690-380-3000

| | | |
|-----|--|---|
| 6. | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | Evidence of Use included, signed, & notarized w/supporting documentation? |
| | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | Current recorded deed for the land from which the authorized place of use is temporarily being moved included? |
| | <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A | Affidavit of Consent from Landowner(s) described on the deed? |
| 7. | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A | Land Use Form included and signed by the County? |
| 8. | <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A | Consent Form included, signed, and notarized? |
| 9. | <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A | District: Place of use is in <u>or</u> near an irrigation district? If Yes, is Form D included? Name of the District |
| 10. | <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A | For changes in POA/APOA – are the well logs included? |
| 11. | <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A | For change in POU within Umatilla County, Supplemental Form U included? |

| | |
|--------------------------|--|
| <input type="checkbox"/> | Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder. |
| <input type="checkbox"/> | Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified. |

Temporary Transfer Application Intake Checklist

| FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS | | | |
|---|---|---|------------|
| 1 | Base Fee (includes temporary change to one water right for up to 1 cfs) | 1 | \$950.00 |
| | Number of water rights included in transfer: _____ (2a) 1 subtracted from 2a: <u>-1</u> (2b) <i>If only one water right this will be 0</i> | | |
| 2 | Line 2b multiplied by \$310.00 » | 2 | (\$310.00) |
| | Do you propose to change the place of use for a non-irrigation use? <input type="checkbox"/> No: Line 3 will remain 0 <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) 1.0 subtracted from the number in 3a above: <u>-1.00</u> (3b) If 3b is 0 or less than 0, enter 0 on line 3c If 3b is greater than 0, round up to the nearest whole number: _____ (3c) | | |
| 3 | Line 3c multiplied by \$230.00 » | 3 | \$0.00 |
| | Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: Line 4 will remain 0 <input type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: _____ (4a) | | |
| 4 | Line 4a multiplied by \$2.70 » | 4 | \$0.00 |
| 5 | Total of lines 1 through 4 » » » » » » » » » » » » » » » » » » Subtotal: | 5 | \$330.00 |
| | Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » | | |
| 6 | If no box is applicable, enter 0 on line 6 » | 6 | |
| 7 | Line 6 subtracted from Subtotal on line 5 » » » » » Temporary Transfer Fee: | 7 | \$330.00 |



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

July 15, 2025

Tom and Fawn Kerns
13974 Launchpad Lane
Haines, OR 97833

Reference: Application T-14698

On July 10, 2025, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1877.80. Receipt number 145603 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands **from** which an irrigation water right is to be temporarily transferred and the land **to** which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #8, Marcy J. Osborn (via email)
Baker County, Local Government

Enclosure

Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This temporary transfer application will be returned if Parts 1 through 5
and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2** List them here: 91650, 97063, 35204

Please include a separate Part 5 for each water right. (See instructions on page 6)

- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2025** **End Year: 2029.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

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Part 2 of 5 – Temporary Transfer Application Map Checklist

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

CWRD

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☐ ☒ N/A If more than three water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☐ ☒ N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

| FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS | | | |
|---|--|---|----------|
| 1 | Base Fee (includes temporary change to one water right for up to 1 cfs) | 1 | \$950.00 |
| 2 | Number of water rights included in transfer: <u>3 (2a)</u> Subtract 1 from the number in 3a above: <u>2 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » » | 2 | 620.00 |
| 3 | Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3 | 3 | |
| 4 | Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>114 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » » | 4 | 307.80 |
| 5 | Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal: | 5 | 1,877.80 |
| 6 | Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » | 6 | 0 |
| 7 | Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee: | 7 | 1,877.80 |

| FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS | | | |
|---|--|---|----------|
| 1 | Base Fee (includes drought application and recording fee for up to 1 cfs) | 1 | \$200.00 |
| 2 | Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » » | 2 | |
| 3 | Add entries on lines 1 through 2 above » » » » » » » » » » » » » » » » Transfer Fee: | 3 | |

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

| | | | | |
|---|-------------|--------------|-------------------------------|------------------------|
| APPLICANT/BUSINESS NAME Tom & Fawn Kerns | | | PHONE NO. 541-403-0824 | ADDITIONAL CONTACT NO. |
| ADDRESS 13974 Launchpad Ln. | | | FAX NO. | |
| CITY Haines | STATE OR | ZIP 97833 | E-MAIL fawnkerns@gmail.com | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | | |

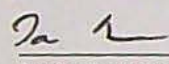
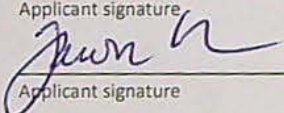
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

| | | | | |
|---|-------|-----|-----------|------------------------|
| AGENT/BUSINESS NAME | | | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS | | | FAX NO. | |
| CITY | STATE | ZIP | E-MAIL | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | | |

Explain in your own words what you propose to accomplish with this transfer application and why:
I would like to temporarily change my place of use on my property to move my 1868 water rights to ground that has a crop that needs late season water.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

I (we) affirm that the information contained in this application is true and accurate.

| | | |
|--|--|-----------------|
|  Applicant signature | Tom Kerns Print Name (and Title if applicable) | 6-27-25 Date |
|  Applicant signature | Fawn Kerns Print Name (and Title if applicable) | 6-27-25 Date |

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

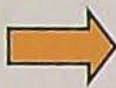
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☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

| | | |
|---------------|---------|-----|
| DISTRICT NAME | ADDRESS | |
| CITY | STATE | ZIP |

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

| | | |
|------------------------------------|---|---------------------|
| ENTITY NAME Baker County | ADDRESS 1995 3rd St. | |
| CITY Baker City | STATE OR | ZIP 97814 |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # 91650

Description of Water Delivery System

System capacity: 25 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **The current delivery system for both ditches are an open ditch to the place of use. Flood irrigation and pivot irrigation is used.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed? | If POA, OWRD Well Log ID# (or Well ID Tag # L-____) | Twp | Rng | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|--|---|-----|------|-----|---------|---------------------------|--|
| Hunstock-Meyers | <input checked="" type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | | 7 S | 38 E | 34 | NE S W | | 2663' S & 2687' W fr. NE corn., Sect. 34 |
| Brown Delong | <input checked="" type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | | 7 S | 38 E | 3 | N S W W | | 3567' S & 5087' W fr. NE corn., Sect. 34 |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- ☒ Place of Use (POU)
☐ Point of Diversion (POD)
☐ Additional Point of Diversion (APOD)

☐ Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- ☐ Place of Use (POU)
☐ Character of Use (USE)
☐ Point of Diversion (POD)

☐ Point of Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)
☐ Additional Point of Diversion (APOD)

Will all of the proposed changes affect the entire water right?

☒ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 87961

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

| AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed. | | | | | | | | | | | | | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made. | | | | | | | | | | |
|--|-----|-----|-----------------------------|------------|----------------------|------|---|---|------------------|---------|-----|-----|---|---|------------|----------------------|-------------|--------------------|--|------------------|--|--|------|--|
| Twp | Rng | Sec | $\frac{1}{4}$ $\frac{1}{4}$ | Tax Lot | Gvt Lot or DLC | Acre | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | Twp | Rng | Sec | | $\frac{1}{4}$ $\frac{1}{4}$ | Tax Lot | Gvt Lot or DLC | Acre | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date | | | | |
| EXAMPLE | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | S | 9 | E 15 NE NW | 100 | | 15.0 | Irrigation | POD #1 POD #2 | 1901 | POU/POD | 2 | S | 9 | E 1 NW NW | 500 | 1 | 10.0 | | POD #5 | 1901 | | | | |
| " | " | " | " " " " | " | " | " | EXAMPLE | " | " | " | 2 | S | 9 | E 2 SW NW | 500 | | 5.0 | | POD #6 | 1901 | | | | |
| | | | | | | | | | | | 8 | S | 39 | E 7 NE NE | 2300 | | 30.0 | IRR | Brown Delong & Hunstock Meyers | 1868 | | | | |
| | | | | | | | | | | | 8 | S | 39 | E 7 SW NW | 2600 | | 27.0 | IRR | " | 1868 | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL ACRES | | | | | | 57.0 | | | | | | | | | | | TOTAL ACRES | | | | | | 57.0 | |

Additional remarks: _____

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For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☒ No

If YES, list the certificate, water use permit, or ground water registration numbers:

Pursuant to ORS 540.523, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- ☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

| Proposed or Authorized POA Name or Number | Is well already built? (Yes or No) | If an existing well, OWRD Well ID Tag No. L-____ | Total well depth | Casing Diameter | Casing Intervals (feet) | Seal depth(s) (intervals) | Perforated or screened intervals (in feet) | Static water level of completed well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well - specific rate (cfs or gpm). If less than full rate of water right |
|---|------------------------------------|--|------------------|-----------------|-------------------------|---------------------------|--|--|---|--|
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # 35204

Description of Water Delivery System

System capacity: 1 cubic feet per second (cfs) OR

 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Currently water is diverted through an open ditch from the spring and a drain ditch that carries water to a small bulge where a pump is used to put water to the center pivot.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed? | If POA, OWRD Well Log ID# (or Well ID Tag # L-) | Twp | | Rng | | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|--|---|-----|---|-----|---|-----|-------|---------------------------|--|
| POD 1 | <input checked="" type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | | 8 | S | 38 | E | 12 | NW NW | 2100 | 1150' S & 4290' W from NE corn., Sect. 12 |
| POD 2 | <input checked="" type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | | 8 | S | 38 | E | 12 | SE NE | 2201 | 1900' S & 870' W from NE corn., Sect. 12 |
| POD 3 | <input checked="" type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | | 8 | S | 39 | E | 7 | SW NW | 2100 | 1410' S & 490' E from NE corn., Sect. 12 |

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate# 35204

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

| AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed. | | | | | | | | | | | | | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made. | | | | | | | | | | |
|--|-----|-----|-----------------------------|------------|----------------------|-------|---|---|------------------|---------|-----|-----|---|---|------------|----------------------|-------------|--------------------|--|------------------|--|--|------|--|
| Twp | Rng | Sec | $\frac{1}{4}$ $\frac{1}{4}$ | Tax Lot | Gvt Lot or DLC | Acres | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | Twp | Rng | Sec | | $\frac{1}{4}$ $\frac{1}{4}$ | Tax Lot | Gvt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date | | | | |
| EXAMPLE | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | S | 9 | E 15 NE NW | 100 | | 15.0 | Irrigation | POD #1 POD #2 | 1901 | POU/POD | 2 | S | 9 | E 1 NW NW | 500 | 1 | 10.0 | | POD #5 | 1901 | | | | |
| " | " | " | " " " " | " | " | " | EXAMPLE | " | " | " | 2 | S | 9 | E 2 SW NW | 500 | | 5.0 | | POD #6 | 1901 | | | | |
| 8 | S | 39 | E 7 SW NW | 2600 | | 27.0 | IRR | POD 1, 2, 3 | 11/29/ 1963 | POU | 8 | S | 39 | E 6 SE SE | 2200 | | 27.0 | IRR | POD 1,2,3 | 11/29/ 1963 | | | | |
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| TOTAL ACRES | | | | | | 27.0 | | | | | | | | | | | TOTAL ACRES | | | | | | 27.0 | |

Additional remarks: _____

For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers: G-17019, G-18884, G-18883

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- ☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

| Proposed or Authorized POA Name or Number | Is well already built? (Yes or No) | If an existing well, OWRD Well ID Tag No. L-____ | Total well depth | Casing Diameter | Casing Intervals (feet) | Seal depth(s) (intervals) | Perforated or screened intervals (in feet) | Static water level of completed well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well - specific rate (cfs or gpm). If less than full rate of water right |
|---|------------------------------------|--|------------------|-----------------|-------------------------|---------------------------|--|--|---|--|
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JUL 10 2025

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # 97063

Description of Water Delivery System

System capacity: 1 cubic feet per second (cfs) OR

 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Currently water is diverted from the creek through a pipeline to a center pivot that is used for irrigation. We also use some handline for the corners.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed? | If POA, OWRD Well Log ID# (or Well ID Tag # L-) | Twp | Rng | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|--|---|-----|------|-----|-------|---------------------------|--|
| POD | <input checked="" type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | | 8 S | 39 E | 7 | NW NW | 2100 | 1150' S & 1020'E from NW corn., Sect. 7 |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- ☒ Place of Use (POU)
☐ Point of Diversion (POD)
☐ Additional Point of Diversion (APOD)

☐ Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- ☐ Place of Use (POU)
☐ Character of Use (USE)
☐ Point of Diversion (POD)

☐ Point of Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)
☐ Additional Point of Diversion (APOD)

Will all of the proposed changes affect the entire water right?

- ☐ Yes
☒ No

Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate# 97063

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

| AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed. | | | | | | | | | | | | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made. | | | | | | | | | | | |
|--|-----|-----|------------|------------|----------------------|-------|---|---|------------------|---------|-----|---|---|-----------|------------|----------------------|-------|--------------------|--|------------------|--|--|--|--|
| Twp | Rng | Sec | ¼ ¼ | Tax Lot | Gvt Lot or DLC | Acres | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | Twp | Rng | | Sec | ¼ ¼ | Tax Lot | Gvt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date | | | | |
| EXAMPLE | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | S | 9 | E 15 NE NW | 100 | | 15.0 | Irrigation | POD #1 POD #2 | 1901 | POU/POD | 2 | S | 9 | E 1 NW NW | 500 | 1 | 10.0 | POD #5 | 1901 | | | | | |
| " | " | " | " | " | " | " | EXAMPLE | " | " | " | 2 | S | 9 | E 2 SW NW | 500 | | 5.0 | POD #6 | 1901 | | | | | |
| 8 | S | 39 | E 7 NE NE | 2300 | | 30.0 | IRR | POD | 11/27/ 1967 | POU | 8 | S | 39 | E 6 SW SE | 2200 | | 30.0 | IRR | POD | 11/27/ 1967 | | | | |
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| TOTAL ACRES | | | | | | 30.0 | | | | | | | TOTAL ACRES | | | | | | 30.0 | | | | | |

Additional remarks: _____

For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers: G-17019, G-18884, G-18885

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- ☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

| Proposed or Authorized POA Name or Number | Is well already built? (Yes or No) | If an existing well, OWRD Well ID Tag No. L-____ | Total well depth | Casing Diameter | Casing Intervals (feet) | Seal depth(s) (intervals) | Perforated or screened intervals (in feet) | Static water level of completed well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well - specific rate (cfs or gpm). If less than full rate of water right |
|---|------------------------------------|--|------------------|-----------------|-------------------------|---------------------------|--|--|---|--|
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Received

JUL 10 2025

OWRD

Application for Water Right Transfer Evidence of Use Affidavit



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.
Supporting documentation must be attached.

State of Oregon)
County of BAKER) ss

I, TOM KERNS, in my capacity as OWNER/OPERATOR,
mailing address 13974 LAUNCHPAD LN., HAINES, OR 97833

telephone number (541)403-0824, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 35204, 91650, 97063; **OR**

☐ My knowledge is specific to the use of water at the following locations within the last five years:

| Certificate # | Township | Range | Mer | Sec | 1/4 1/4 | Gov't Lot or DLC | Acres (if applicable) |
|---------------|----------|-------|-----|-----|---------|---------------------|--------------------------|
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OR

- ☐ Confirming Certificate # ____ has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS & PASTURE
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

John
Signature of Affiant

6-27-25
Date



and sworn to (or affirmed) before me this 27 day of JUNE, 20 25

Marcy Jo Osborn
Notary Public for Oregon

My Commission Expires: 3/9/2029

| Supporting Documents | Examples |
|--|--|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate) | Copy of confirming water right certificate that shows issue date |
| <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water | <ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report |
| <input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph | <p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years | Copy of instream lease or lease number |

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Tom & Fawn Kerns

6/2024

Legend

T&F Horsemanship

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JUL 10 2025
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Google Earth

Image © 2025 Airbus

3000 ft

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Tom & Fawn Kerns

10/2020

Legend

T&T Horsemanship

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Google Earth

Image © 2025 CNES / Airbus



3000 ft

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5/06/25

EI

1:21 POTENTIAL LIABILITY

REAL PROPERTY

INQUIRY

A10100

REF # 2025 R 7356

Last Viewd 7355

MAP# LOT# A NUM CODE PCL MCL AP VA ZONE PAR# %.xxxx REAL# PR
08S39 2200 518 550 550 3 EFU

OWNER KERNS, THOMAS L & FAWN A

ET ALS

CNTRCT

Pg 1

ADDR

13974 LAUNCHPAD LN

CTY/ST HAINES, OR 97833

SC DEF SITUS:

SITUS:

HOME ID:

ACTION CDS MAPCODE 0518

YR AP 2021 APPR KD KIRBY DANFORD

ACRES 79.09 SPC ASM

RMV

M5 VALUE

TOTAL AV

LAND

NOTES

IMPROV

2100 MC 2200

SUBTOT

LESS EXEMPTIONS:

LESS VET EXEMPT:

NET VALUES:

1-KEY 2-IMP 3-LND 7-EOJ 8-CLR 9-BACK 10-FORWARD 17-JV/TL 22-SALES 23-TAX INQ

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JUL 10 2025

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14698 -



B24160157
B24160217

After recording return to:
Thomas L. Kerns and Fawn A. Kerns
13974 Launchpad Lane
Haines, OR 97833

Until a change is requested all tax statements shall be sent to the following address:

Thomas L. Kerns and Fawn A. Kerns
13974 Launchpad Lane
Haines, OR 97833
File No. 624573AM

STATUTORY WARRANTY DEED

Nathan H. Suttter, First Successor Trustee of the Earl & Wilma Suttter Trust, UAD August 26, 1997,
Grantor(s), hereby convey and warrant to

Thomas L. Kerns and Fawn A. Kerns, as Tenants by the Entirety,

Grantee(s), the following described real property in the County of Baker and State of Oregon free of encumbrances except as specifically set forth herein:

The South Half of the Southeast Quarter of Section 6, Township 8 South, Range 29 East of the Willamette Meridian, Baker County, State of Oregon.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

08S39-2200

The true and actual consideration for this conveyance is \$460,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:



STATE OF OREGON, County of Baker, SS
I hereby certify that I have compared the within instrument with the original instrument now on file in my office, and that it is a true and correct copy of the same and of the whole thereof.

Dated 4/17/2024
Stefanie Kirby, County Clerk
By Karen Phillips Deputy

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JUL 10 2025
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RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

THIS SPACE RESERVED FOR USE BY
THE COUNTY RECORDING OFFICE

AFTER RECORDING RETURN TO:

AmeriTitle LLC

2245 Main

Baker City, OR 97814

1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

Statutory Warranty Deed

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

Nathan H. Switter, First Successor Trustee of the Earl & Wilma Switter Trust, UAD August 26, 1997

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

Thomas L. Kerns and Fawn A. Kerns, as tenants by the entirety

4) TRUE AND ACTUAL CONSIDERATION

ORS 93.030(5) - Amount in dollars or other

\$ 460,000.00

☐ Other**5) SEND TAX STATEMENTS TO:**

Thomas L. & Fawn A. Kerns

13974 Launchpad Lane

Haines, OR 97833

6) SATISFACTION of ORDER or WARRANT

ORS 205.125(1)(e)

CHECK ONE:

☐ FULL

(If applicable)

☐ PARTIAL**7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)**

\$

8) If this instrument is being Re-Recorded, complete the following statement, in

accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF

AmeriTitle, LLC

TO CORRECT legal description

PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE
NUMBER 24160157."

Received

JUL 10 2025

OWRD

14698 -

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 7th day of March, 2024.

The Earl & Wilma Suitter Trust, UAD August 26, 1997

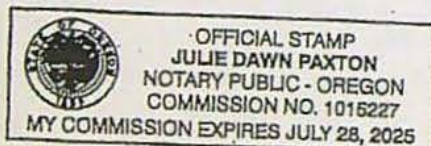
Nathan H. Suitter, First Successor Trustee
Nathan H. Suitter, First Successor Trustee

State of OR ss.
County of Baker

On this 7th day of March, 2024, before me,
Julie Dawn Paxton a Notary Public in and for said state, personally appeared Nathan H. Suitter known or identified to me to be the person whose name is subscribed to the foregoing instrument as first successor trustee of the Earl & Wilma Suitter Trust UAD August 26, 1997, and acknowledged to me that he executed the same as First Successor Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Julie Dawn Paxton
Notary Public for the State of OR
Residing at: Baker City
Commission Expires: 7/28/25



STATE OF OREGON } ss.
County of Baker

I certify that this instrument was received and recorded in the book of records of said county.

Stefanie Kirby
Baker County Clerk

by: Karen Phillips Deputy.

DOC#: B24160157
91.00
4/16/2024 9:30 AM
REFUND: .00



Received
JUL 10 2025
OWRD

14698 -

EXHIBIT "A"

624573AM

The South Half of the Southeast Quarter of Section 6, Township 8 South, Range 39 East of the Willamette Meridian, Baker County, State of Oregon.

14698 -

Received
JUL 10 2025
OWRD

STATE OF OREGON

County of Baker

I certify that this instrument was received and recorded in the book of records of said county.

Stefanie Kirby
Baker County Clerk

by: *Karen Phillips* Deputy.

DOC#: B24160216
101.00
4/17/2024 3:35 PM
REFUND:

.00

5/06/25

EI

1:20 POTENTIAL LIABILITY

REAL PROPERTY

INQUIRY

A10100

REF # 2025 R 7355

Last Viewd 7355

MAP# LOT# A NUM CODE PCL MCL AP VA ZONE PAR# %.xxxx REAL# PR
08S39 2100 518 550 550 3 EFU

OWNER KERNS, TOM & FAWN ETAL

ET ALS

CNTRCT

Pg 1 GRIFFITH, JEAN B

ADDR

STEVENSON, ELLEN

13974 LAUNCHPAD LN

CTY/ST HAINES, OR 97833

SC DEF SITUS:

SITUS:

HOME ID:

ACTION CDS MAPCODE 0518

YR AP 2021 APPR KD KIRBY DANFORD

ACRES 156.20 SPC ASM

RMV M5 VALUE TOTAL AV

LAND

NOTES

IMPROV

SUBTOT

LESS EXEMPTIONS:

LESS VET EXEMPT:

NET VALUES:

1-KEY 2-IMP 3-LND 7-EQJ 8-CLR 9-BACK 10-FORWARD 17-JV/TL 22-SALES 23-TAX INQ

Received

JUL 10 2025

14698 -

OWRD

RECORDER'S INFORMATION:

Until a change is requested, all
tax statements shall be sent to:
Tom and Fawn Kerns
13974 Launchpad Lane
Haines OR 97833

After recording return to:
Yturri Rose, LLP
PO Box "S"
Ontario OR 97914

BARGAIN AND SALE DEED
(½ Undivided Interest in Boys Place)

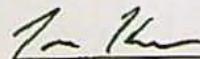
TOM KERNS, Grantor, conveys to TOM KERNS and FAWN KERNS, Husband and Wife,
Grantees, all of Grantor's interest in the following described real property:

See Exhibit A attached hereto and
by this reference incorporated herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

The true consideration for this conveyance is: Other value or property is part of or the whole consideration.

Dated as of the 1st day of January, 2010.



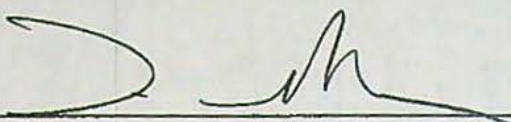
Tom Kerns

B11 20 0298

State of Oregon)
) ss.
County of Baker)

The foregoing instrument was acknowledged before me this 29th day of Janu, 2010, by Tom Kerns




Notary Public for Oregon

My Commission Expires: 10-26-2011

Received

JUL 10 2025

OWRD

B11 20 0299

Exhibit A

Land in Baker County, Oregon, as follows:

Township 8 South, Range 39 E., W.M.:

Sec. 6: S $\frac{1}{2}$ SW $\frac{1}{4}$.

Sec. 7: SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$.

YTURRI ROSE LLP
ATTORNEYS AT LAW
P.O. BOX "B"
ONTARIO, OR 97144
(541) 889-6368

BARGAIN AND SALE DEED - Page 3 of 3
599009/d1/29Jan10/tm

STATE OF OREGON)
COUNTY OF BAKER)
I CERTIFY THAT THIS
INSTRUMENT WAS RECEIVED
AND RECORDED IN THE BOOK
OF RECORDS OF SAID COUNTY
TAMARA J. GREEN, BAKER CO. CLERK
BY Faren Phyllis DEPUTY
DOC#: 11200297B
5/18/2011 11:00 AM
REF .00 51.00

Received
JUL 10 2025

OWRD

14698 -

5/06/25

EI

1:21 POTENTIAL LIABILITY

REAL PROPERTY

INQUIRY

A10100

REF # 2025 R 7359

Last Viewd 7356

MAP# LOT# A NUM CODE PCL MCL AP VA ZONE PAR# %.xxxx REAL# PR
08S39 2600 518 550 550 3 EFU

OWNER KERNS, TOM & FAWN

ET ALS

CNTRCT

Pg 1

ADDR

13974 LAUNCHPAD LN

CTY/ST HAINES, OR 97833

SC DEF SITUS:

SITUS:

HOME ID:

ACTION CDS MAPCODE 0518

YR AP 2021 APPR KD KIRBY DANFORD

ACRES 35.22 SPC ASM

RMV M5 VALUE TOTAL AV

LAND

NOTES

IMPROV

2600 NEW

SUBTOT

LESS EXEMPTIONS:

LESS VET EXEMPT:

NET VALUES:

1-KEY 2-IMP 3-LND 7-EOJ 8-CLR 9-BACK 10-FORWARD 17-JV/TL 22-SALES 23-TAX INQ

Received

JUL 10 2025

OWRD

14698 -

B11 20 0304

RECORDER'S INFORMATION:

Until a change is requested, all
tax statements shall be sent to:
Tom and Fawn Kerns
13974 Launchpad Lane
Haines OR 97833

After recording return to:
Yturri Rose, LLP
PO Box "S"
Ontario OR 97914

BARGAIN AND SALE DEED
(Onion Field)

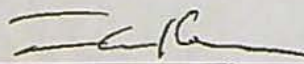
TIM A. KERNS, Grantor, conveys to TOM KERNS and FAWN KERNS, Husband and Wife,
Grantees, the following described real property:

See Exhibit A attached hereto and
by this reference incorporated herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

The true consideration for this conveyance is: Other value or property is part of or the whole consideration. (This is an IRC §1031 exchange.)

Dated as of the 1st day of January, 2010.



Tim A. Kerns

YTURRI ROSE LLP
ATTORNEYS AT LAW
P.O. BOX "S"
ONTARIO, OR 97914
(541) 879-5366

BARGAIN AND SALE DEED - Page 1 of 3
599009/d1/29Jan10/tm

Received

JUL 10 2025

OWRD

14698 -

State of Oregon)
) ss.
County of Baker)

The foregoing instrument was acknowledged before me this 29th day of Jan, 2010, by Tim A. Kerns.



Notary Public for Oregon
My Commission Expires: 10-26-2011

B11 20 0306

Exhibit A

In Twp. 8 S., Range 39 E., W.M.:
Sec. 7: SW $\frac{1}{4}$ NW $\frac{1}{4}$

Subject to any easements of record.

YTURRI ROSE LLP
ATTORNEYS AT LAW
P.O. BOX "3"
ONTARIO, OR 97114
(541) 829-6368

BARGAIN AND SALE DEED - Page 3 of 3
599009/d1/29Jan10/tm

STATE OF OREGON)
COUNTY OF BAKER)
I CERTIFY THAT THIS
INSTRUMENT WAS RECEIVED
AND RECORDED IN THE BOOK
OF RECORDS OF SAID COUNTY
TAMARA J. GREEN, BAKER CO. CLERK
BY *Taren Phillips* DEPUTY
DOC#: 11200304B
5/18/2011 11:00 AM
REF .00 51.00
CK

Received

JUL 10 2025

OWRD

14698 -

Land Use Information Form



Oregon Water
Resources

Applicant(s): Tom & Fawn Kerns

Mailing Address: 13974 Launchpad Ln.

City: Haines

State: OR

Zip Code: 97833

Daytime Phone: 541-403-0824

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

| Township | Range | Section | ¼ ¼ | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be: | | | Proposed Land Use |
|-----------|------------|----------|-------------|-------------|---|-----------------------------------|--|--|-------------------|
| <u>8S</u> | <u>39E</u> | <u>6</u> | <u>SWSE</u> | <u>2200</u> | <u>EFU</u> | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>Irrigation</u> |
| <u>8S</u> | <u>39E</u> | <u>6</u> | <u>SESE</u> | <u>2200</u> | <u>EFU</u> | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>Irrigation</u> |
| <u>8S</u> | <u>39E</u> | <u>7</u> | <u>NENE</u> | <u>2300</u> | <u>EFU</u> | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>Irrigation</u> |
| <u>8S</u> | <u>39E</u> | <u>7</u> | <u>SWNW</u> | <u>2600</u> | <u>EFU</u> | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>Irrigation</u> |

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Baker County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Rock Creek

Estimated quantity of water needed: 2 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

I would like to temporarily change the place of use on my property. I am flip flopping priority dates to move my senior water to my high value crops so I can irrigate later in the season.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

Received

JUL 10 2025

WR / FS

OWRD

14698 -

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BCZO Section 410.02.A.1
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

| Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Land-Use Approval: | |
|---|--|--|--|
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Tara L. Micka Title: Interim Planning Dir.
 Signature: Tara L. Micka Phone: 541-523-8219 Date: 5/6/2025
 Government Entity: Baker County Planning Dept.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

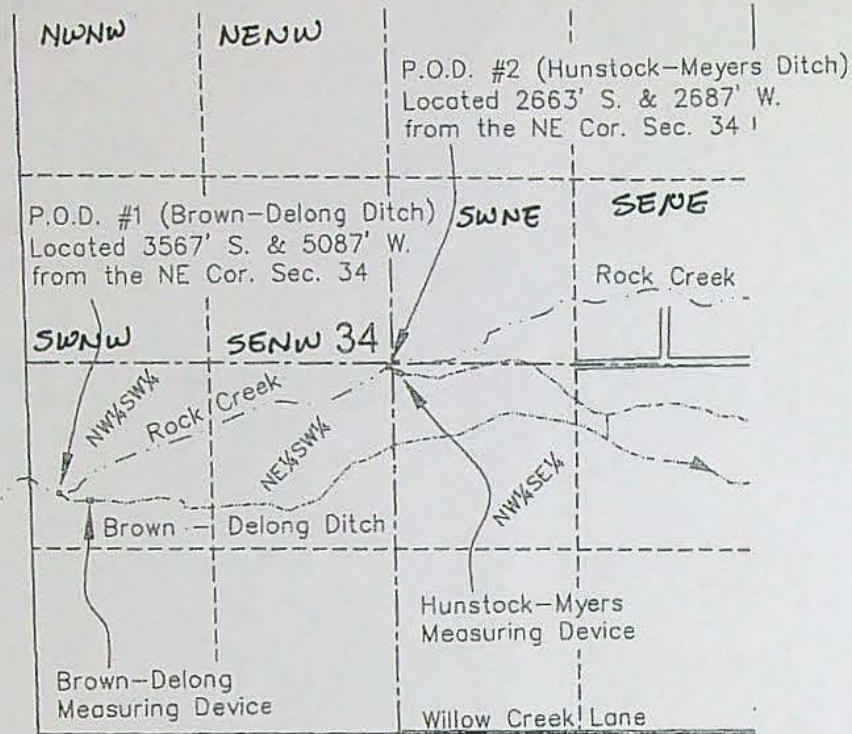
Received

JUL 10 2025

WR/FS

OWRD

T. 7S R. 38E

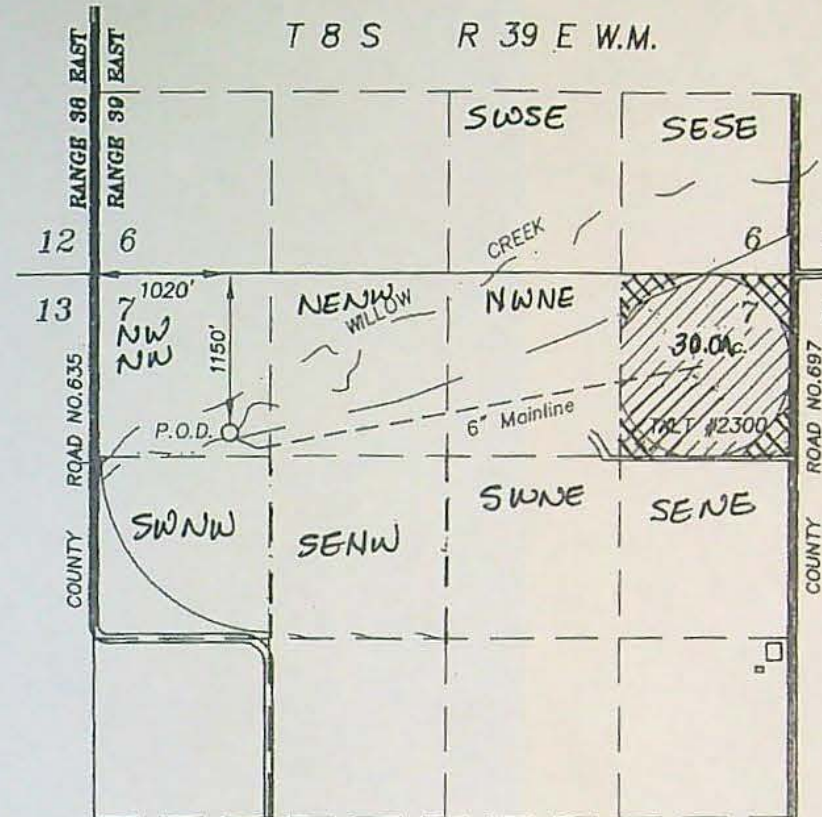


MAP TO ACCOMPANY A
TEMPORARY TRANSFER
FOR
Tom! FAWN KERNS
"To"



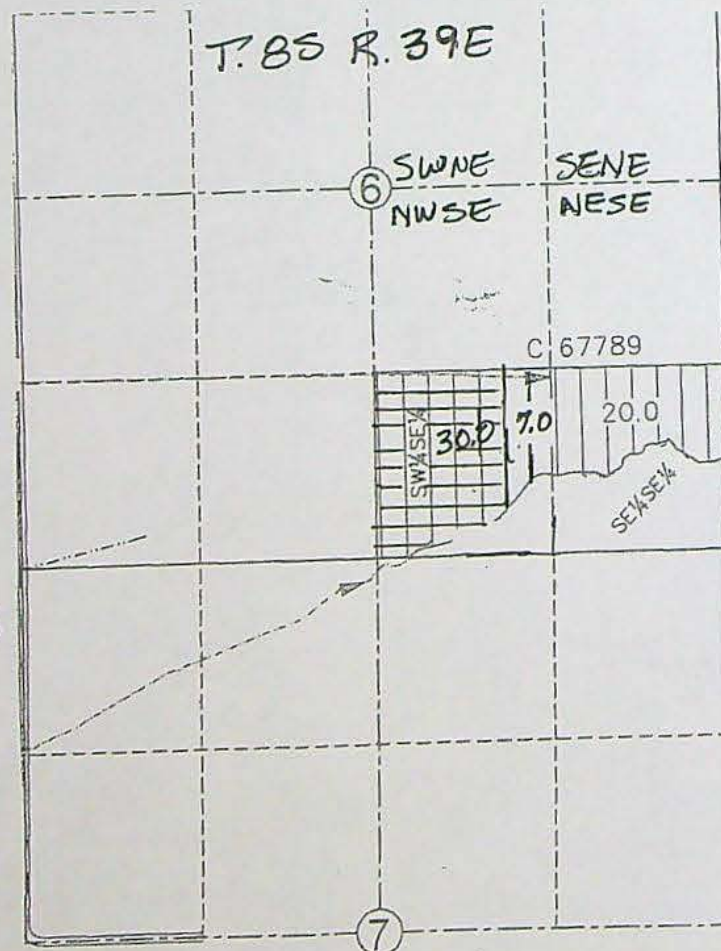
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T 8 S R 39 E W.M.



C-91450
30.0AC "To"
RR 9.4AC
FROM C-97063

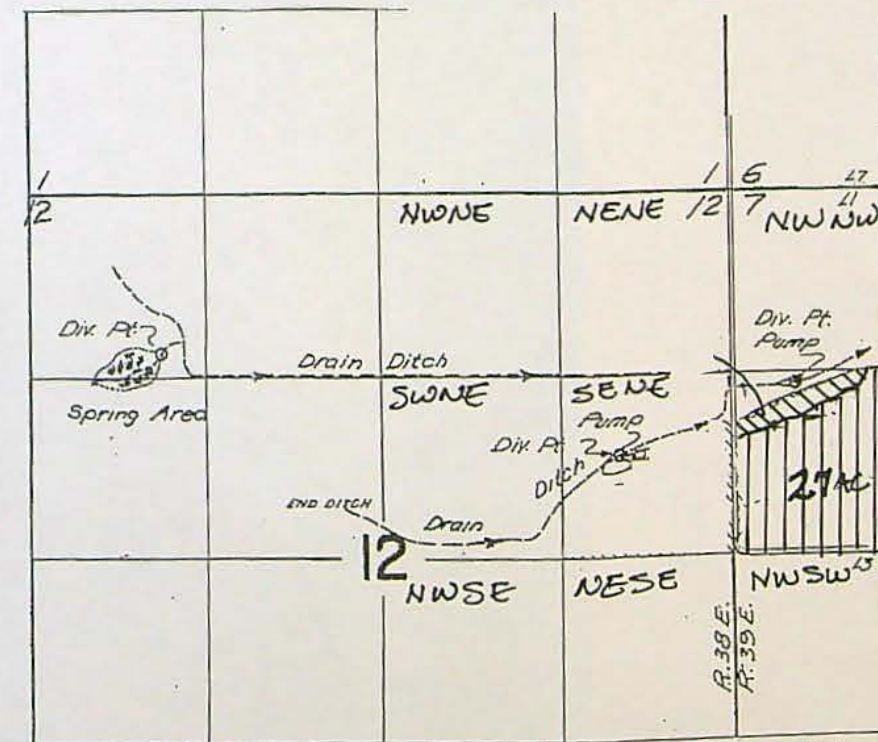
T. 8S R. 39E



27.0 AC
"To" C-35204

30.0 AC
"To" C-97063

T. 8S. R. 38 & 39 E. W.M.



C-91450
27.0 AC
"To"

SWNW
TL 2600

Div. pts. located 1150 ft. S. & 4290 ft. W.; 1900 ft. S. & 870 ft. W.; 1410 ft. S. & 490 ft. E.; all from the NE corner of Section 12

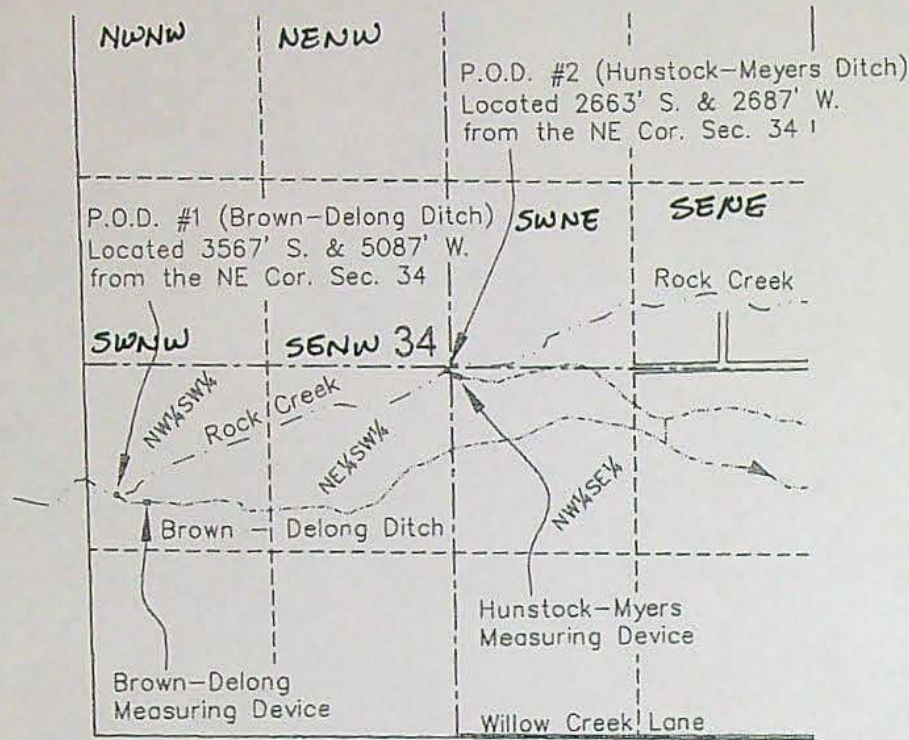
Received

JUL 10 2025

OWRD

14698 -

T. 7S R. 38E



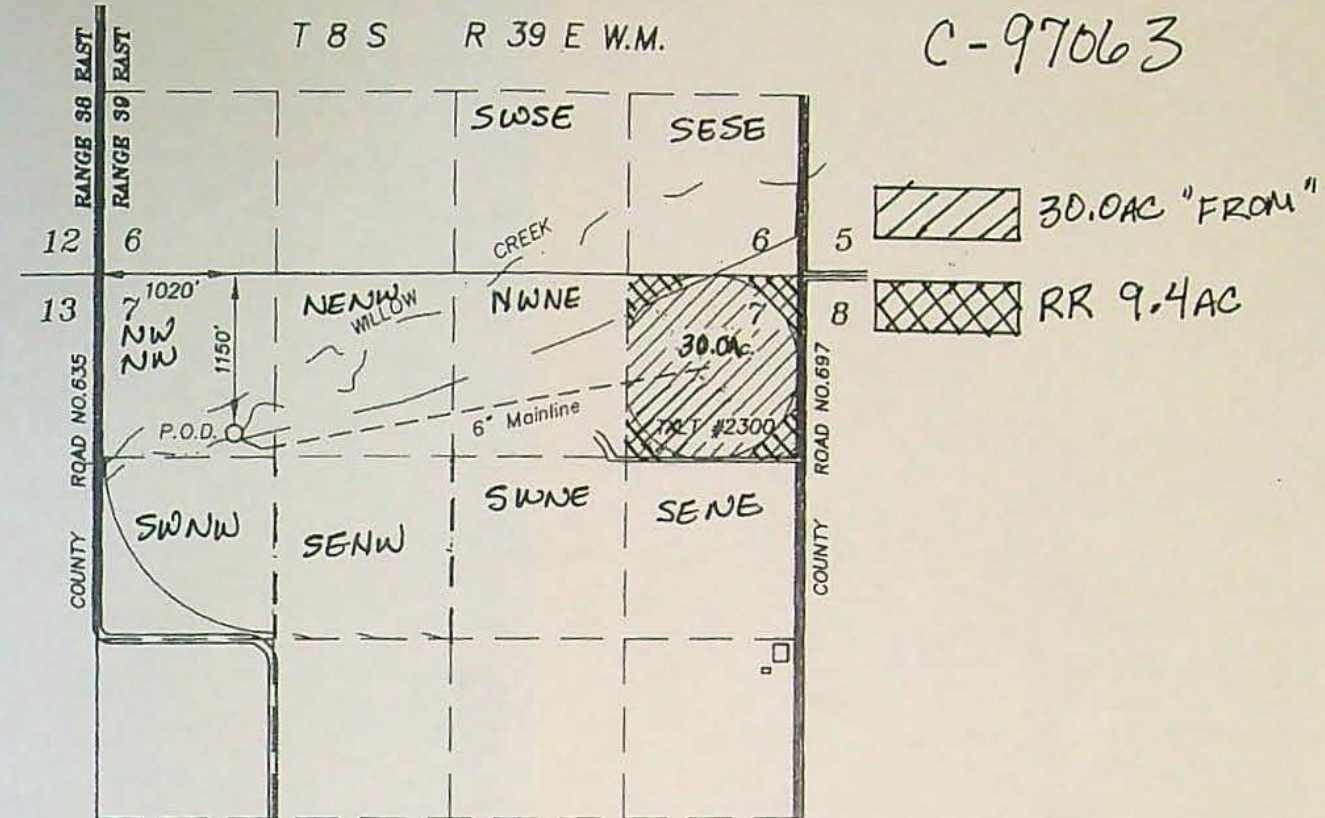
MAP TO ACCOMPANY A
TEMPORARY TRANSFER
FOR
TOM ! FAWN KERNS
"FROM"



SCALE: 1"=1320'

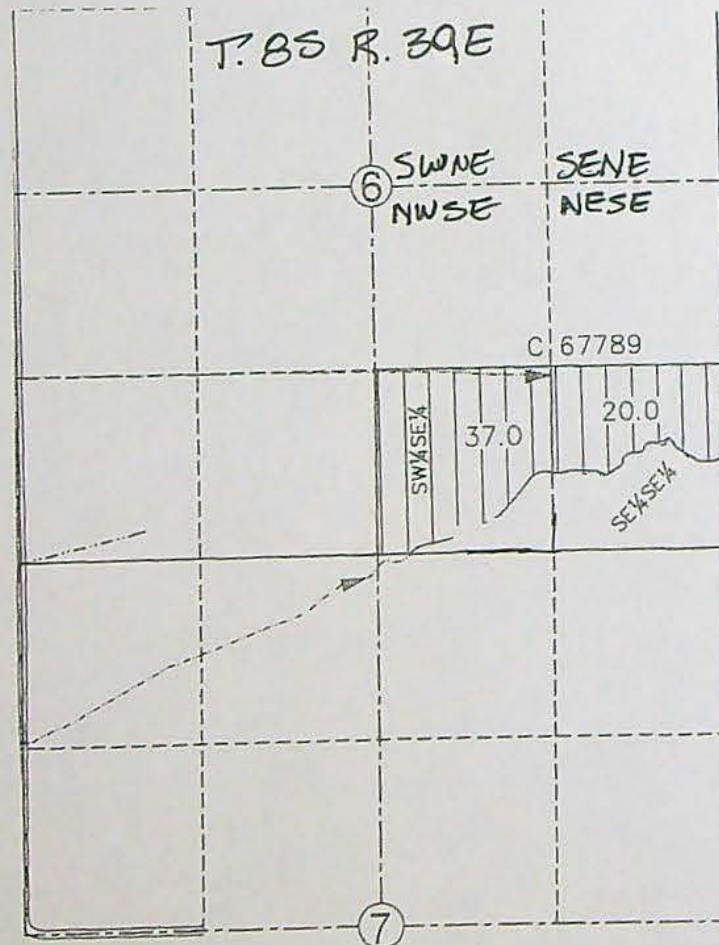
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C-97063



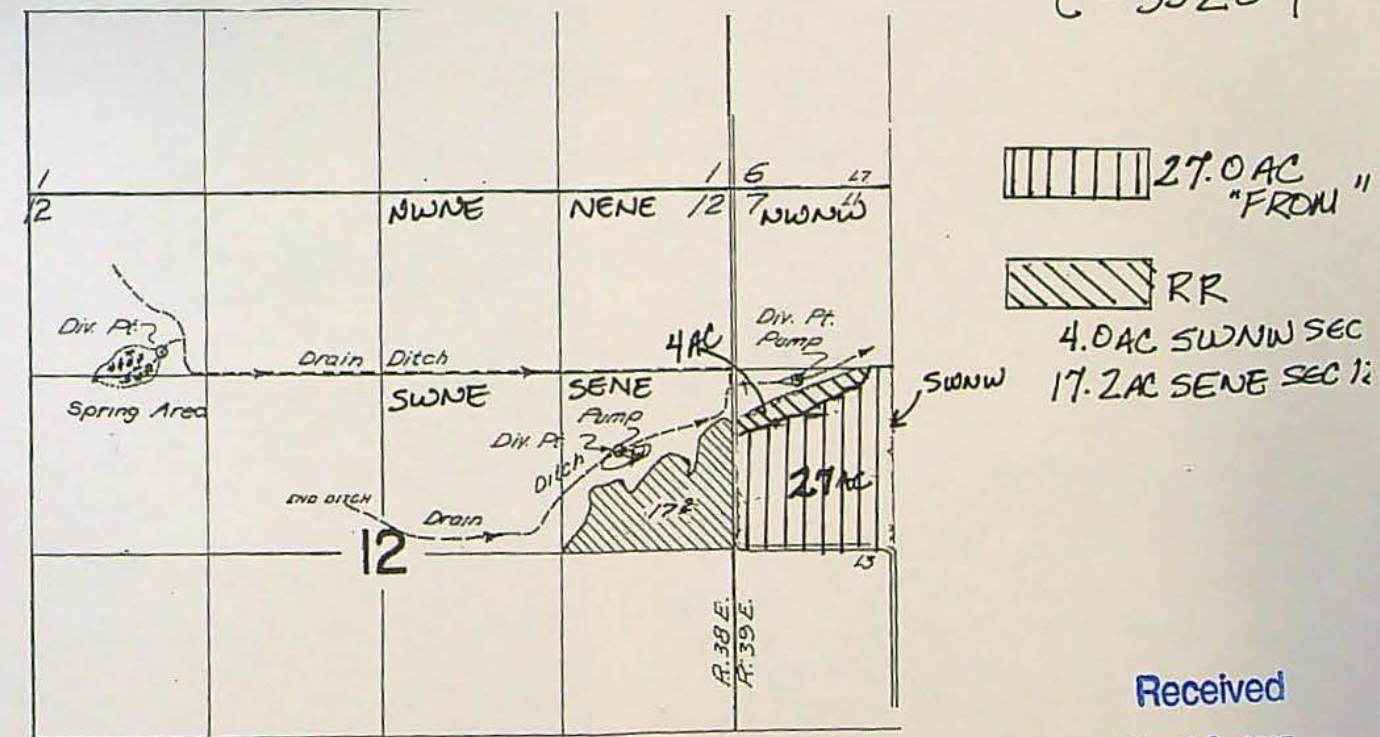
C-91650

57.0 AC
"FROM"



T 8 S. R. 38 & 39 E. W.M.

C-35204



Div. pts. located 1150 ft. S. & 4290 ft. W.; 1900 ft. S. & 870 ft. W.; 1410 ft. S. & 490 ft. E.; all from the NE corner of Section 12.

Received

JUL 10 2025

OWRD

14698 -