

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7448 submitted by

DENNIS E. KOENIG
7538 STAYTON ROAD SE
TURNER, OREGON 97392.

The right to be modified, as evidenced by Certificate 52571, was perfected under Permit G-4776, with a date of priority of DECEMBER 31, 1969. The right allows the use of WELL 2, in the NORTH SANTIAM BASIN, for IRRIGATION OF 17.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.22 cubic foot per second, if available at the original well; SW¼ SW¼, SECTION 26, T 9 S, R 2 W, W.M.; 2190 FEET SOUTH AND 1040 FEET EAST FROM THE NE CORNER OF CHAMNESS DLC 59, SECTION 27, T 9 S, R 2 W, W.M., or its equivalent in case of rotation, measured at the wells.

This is an 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The authorized place of use is as follows:

LOT 3 (NE¼ SW¼) 0.2 ACRE
NW¼ SW¼ 1.0 ACRE
SW¼ SW¼ 16.0 ACRES
LOT 4 (SE¼ SW¼) 0.4 ACRE
SECTION 26

LOT 1 (NW¼ NW¼) 0.1 ACRE
SECTION 35

TOWNSHIP 9 SOUTH, RANGE 2 WEST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the point of appropriation to:

WELL B - LOT 1 (NW¼ NW¼), SECTION 35, T 9 S, R 2 W, W.M.; 2560 FEET SOUTH AND 540 FEET EAST FROM THE NE CORNER OF CHAMNESS DLC 59, SECTION 27, T 9 S, R 2 W, W.M.

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

1. The proposed change shall be completed on or before October 1, 2001.
2. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same aquifer as the original point of appropriation.

Certificate 52571 is cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 1 0 2000.



For Martha O. Pagel, Director