

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION,
ADDITIONAL POINTS OF APPROPRIATION,
AND A PARTIAL CANCELLATION OF A WATER RIGHT

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 7449 submitted by

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

The first 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 3, in the NORTH SANTIAM BASIN, for IRRIGATION OF 16.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.21 cubic foot per second, if available at the original well; LOT 1(NW¼ NW¼), SECTION 35, T 9 S, R 2 W, W.M.; 2820 FEET SOUTH AND 1330 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 second right to be modified, as evidenced by Certificate 52360, was perfected under Permit G-4776, with a date of priority of DECEMBER 31, 1969. The right allows the use of WELLS 1 AND 3, in the NORTH SANTIAM BASIN, for IRRIGATION OF 16.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.20 cubic foot per second (cfs), being 0.15 cfs from Well 1 and 0.05 cfs from Well 3, if available at the original wells; LOT 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 26; LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 35, T 9 S, R 2 W, W.M.; WELL 1 - 630 FEET SOUTH AND 1720 FEET EAST; WELL 3 - 2820 FEET SOUTH AND 1330 FEET EAST, BOTH 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.

The third right to be modified, as evidenced by a PORTION of Certificate 36213, was perfected under Permit G-2863, with a date of priority of APRIL 15, 1965. The right allows the use of A WELL, in the NORTH SANTIAM BASIN, for IRRIGATION OF 36.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.46 cubic foot per second, if available at the original well; LOT 2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 35, T 9 S, R 2 W, W.M.; 3830 FEET SOUTH AND 1590 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 well.

The fourth right to be modified, as evidenced by Certificate 36206, was perfected under Permit G-2896, with a date of priority of MAY 10, 1965. The right allows the use of A WELL, in the NORTH CHANNEL SANTIAM BASIN, for IRRIGATION OF 16.35 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.20 cubic foot per second, if available at the original well; LOT 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 35, T 9 S, R 2 W, W.M.; 2590 FEET SOUTH AND 2810 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 well.

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 $2\frac{1}{2}$ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The fifth right to be modified, as evidenced by a PORTION of Certificate 42228, was perfected under Permit G-4609, with a date of priority of MAY 21, 1969. The right allows the use of WELLS 2 AND 4, in the NORTH SANTIAM BASIN, for IRRIGATION OF 33.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.44 cubic foot per second (cfs), being 0.22 cfs from Well 2 and 0.22 cfs from Well 4, if available at the original wells; LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 26, T 9 S, R 2 W, W.M.; WELL 2 - 1090 FEET NORTH AND 2800 FEET WEST, WELL 4 - 580 FEET NORTH AND 2760 FEET WEST FROM THE SE CORNER OF SECTION 26, or its equivalent in case of rotation, measured at the wells.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed $2\frac{1}{2}$ acre-feet per acre for each acre irrigated during the irrigation season of each year; and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

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

The authorized places of use are as follows:

PERMIT G-4776 (CERTIFICATE 52571)

ADDITIONAL POA
(APOA)

LOT 6 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 10.5 ACRES
LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 6.4 ACRES
SECTION 35

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

PERMIT G-4776 (CERTIFICATE 56360)

CHANGE IN POA
(Δ POA)

APOA

WELL 1

WELL 3

LOT 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) 0.1 ACRE
LOT 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) 10.6 ACRES
SECTION 26

LOT 6 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 4.0 ACRES
SECTION 35

LOT 6 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 1.5 ACRES
SECTION 35

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

PERMIT G-2863

APOA

LOT 4 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 1.2 ACRES
LOT 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) 1.0 ACRE
SECTION 34

LOT 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 1.9 ACRES
LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 9.6 ACRES
LOT 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 20.2 ACRES
LOT 2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) 2.8 ACRES
SECTION 35

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

PERMIT G-2896

ΔPOA

LOT 4 (SE¼ SW¼) 2.75 ACRES

LOT 4 (SW¼ SE¼) 3.10 ACRES

SECTION 26

LOT 1 (NW¼ NE¼) 1.60 ACRES

LOT 1 (NE¼ NW¼) 8.90 ACRES

SECTION 35

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

PERMIT G-4609

ΔPOA

LOT 5 (NE¼ SW¼) 1.2 ACRES

LOT 5 (SE¼ SW¼) 18.4 ACRES

LOT 5 (NW¼ SE¼) 1.2 ACRES

LOT 5 (SW¼ SE¼) 12.8 ACRES

SECTION 26

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 points of appropriation for Permits G-2896, G-4609, and G-4776 (Well 1), so that water under these permits may be appropriated from any one, or any combination of, the following wells:

WELL A - LOT 5 (SE¼ SW¼), SECTION 26, T 9 S, R 2 W, W.M.; 1630 FEET SOUTH AND 2700 FEET EAST FROM THE NE CORNER OF CHAMNESS DLC 59, SECTION 27, T 9 S, R 2 W, W.M.

WELL 3 - LOT 1 (NW¼ NW¼), SECTION 35, T 9 S, R 2 W, W.M.; 2820 FEET SOUTH AND 1330 FEET EAST FROM THE NE CORNER OF CHAMNESS DLC 59, SECTION 27, T 9 S, R 2 W, W.M.

LOT 2 (SE¼ NW¼), SECTION 35, T 9 S, R 2 W, W.M.;
3830 FEET SOUTH AND 1590 FEET EAST FROM THE NE CORNER OF CHAMNESS
DLC 59, SECTION 27, T 9 S, R 2 W, W.M.

The applicant proposes to add additional points of appropriation
to Permits G-2863 and G-4776 (Well 3), so that water under these
permits may be appropriated from any one, or any combination of,
the following wells:

WELL A - LOT 5 (SE¼ SW¼), SECTION 26, T 9 S, R 2 W,
W.M.; 1630 FEET SOUTH AND 2700 FEET EAST FROM THE NE CORNER OF
CHAMNESS DLC 59, SECTION 27, T 9 S, R 2 W, W.M.

WELL 3 - LOT 1 (NW¼ NW¼), SECTION 35, T 9 S, R 2 W,
W.M.; 2820 FEET SOUTH AND 1330 FEET EAST FROM THE NE CORNER OF
CHAMNESS DLC 59, SECTION 27, T 9 S, R 2 W, W.M.

LOT 2 (SE¼ NW¼), SECTION 35, T 9 S, R 2 W, W.M.;
3830 FEET SOUTH AND 1590 FEET EAST FROM THE NE CORNER OF CHAMNESS
DLC 59, SECTION 27, T 9 S, R 2 W, W.M.

An affidavit was received from Dennis Koenig, owner of certain
land and the water right appurtenant to it. A portion of the
water right has been abandoned and is requested to be cancelled.

The portion is described by Certificate 36213, State Record of
Water Right Certificates. The date of priority is April 15,
1965. The water use was for irrigation of 1.3 acres from a well,
in the North Santiam Basin. The amount used was 0.02 cubic foot
per second.

The abandoned portion is located as follows:

LOT 5 (SE¼ NE¼) 0.2 ACRE
SECTION 24

LOT 2 (SW¼ NW¼) 1.1 ACRES
SECTION 35

TOWNSHIP 9 SOUTH, RANGE 4 WEST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

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

1. The proposed changes shall be completed on or before October 1, 2001.
2. The quantity of water diverted at the new points of appropriation (well), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points 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.

The portion of the water right evidenced by Certificate 36213 requested to be cancelled is cancelled.

Certificates 52571, 56360, 36213, 36206, and 42228 are cancelled. A new certificate will be issued to confirm that portion of Permit 4609 NOT involved in this transfer. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 10 2000.


For Martha G. Pagel, Director