

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF RICHARD AND JOYCE FOLTZ AND ) ORDER APPROVING  
DENNIS E. AND ANNE KOENIG FOR ) TRANSFER NO. 3858  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM WELLS 1 AND 3 \_ )

On January 9, 1978, an application was filed in the office of the Water Resources Director by Richard and Joyce Foltz and Dennis E. and Anne Koenig for approval of a change in place of use of water from wells No. 1 and No. 3, pursuant to the provisions of ORS 537.705.

The certificate recorded at Page 42230, Volume 34, State Record of Water Right Certificates, in the names of Dennis E. and Anne Koenig, describes a right which includes the use of not to exceed 0.28 cubic foot per second from Well No. 1 for the irrigation of 14.8 acres in Lot 3 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and 7.2 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and the use of 0.05 cubic foot per second from Well No. 3 for the irrigation of 2.5 acres in Lot 5 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 26 and 1.5 acres in Lot 6 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 35, Township 9 South, Range 2 West, W. M., with a date of priority of December 31, 1969.

Water for said right is diverted from Well No. 1 located 630 feet South and 1720 feet East from the Northeast corner of Chamness D.L.C. No. 59, being within Lot 3 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of said Section 26 and from Well No. 3 located 2820 feet South and 1330 feet East from the Northeast corner of Chamness D.L.C. No. 59, being within Lot 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of said Section 35.

The applicants herein, owners of the lands above described propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 4.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 15.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26 and 1.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, Township 9 South, Range 2 West, W. M., by the use of water from Well No. 1 and a certain 4.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, Township 9 South, Range 2 West, W. M., by the use of water from Well No. 3.

Mr. Keith M. Palmer, Watermaster, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

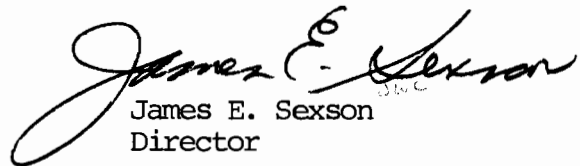
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use described herein, without loss of priority, is approved.

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

It is FURTHER ORDERED that the certificate of water right heretofore issued to Dennis E. and Anne Koenig and recorded at Page 42230, Volume 34, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 8th day of February, 1978.

  
James E. Sexson  
Director