

STATE OF OREGON

COUNTY OF MALHEUR

ORDER APPROVING A CHANGE IN POINT OF DIVERSION
AND CANCELING A PORTION OF A WATER RIGHT

Pursuant to ORS 540.510 to 540.530, 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 7021 submitted by

RONALD AND MARIE KUENZLI
P.O. BOX 284
STAR, IDAHO 83669.

The right to be modified, as evidenced by a portion of Certificate 57532, was perfected under Permit 1150 with a date of priority of FEBRUARY 17, 1912. The right allows the use of the SNAKE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 41.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.49 cubic foot per second, if available at the authorized point of diversion: 1 - NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T 20 S, R 47 E, WM; 2 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 12, 3 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 14, 4 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 22, T 21 S, R 46 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent 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 located as follows:

LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)	11.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	10.0 ACRES
S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.0 ACRES
SECTION 30	
TOWNSHIP 20 SOUTH, RANGE 47 EAST, W.M.	

The right to use the 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 diversion to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 30, T 20 S, R 47 E, WM;
NORTH 46° 44' 35" EAST, 1882 FEET FROM THE SW CORNER,
SECTION 30.

An affidavit was received from Ronald L. and Ida Marie Kuenzli, the owner of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 57532, State Record of Water Right Certificates. The abandoned water right is for domestic use from the SNAKE RIVER, a tributary of the COLUMBIA RIVER. The date of priority is FEBRUARY 17, 1912.

A description of the place of use of the abandoned right is as follows:

LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 30
TOWNSHIP 20 SOUTH, RANGE 47 EAST, W.M.

ORS 540.621 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 canceling 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 change shall be completed on or before October 1, 1999.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

4. The water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.

The portion of the water right described herein requested to be canceled. Certificate 57532 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer and NOT involved in the Owyhee Irrigation District Petition under ORS 541.329. 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 7/31/98.



Martha O. Pagel, Director