

STATE OF OREGON

COUNTY OF WALLOWA

ORDER APPROVING A CHANGE IN POINTS OF DIVERSION

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 7565 submitted by

MYRON J. AND SUSANNE B. KOENIG  
82242 FISH HATCHERY LANE  
ENTERPRISE, OREGON 97828.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for WALLOWA County as evidenced by a PORTION of Certificate 3126. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 189. The date of priority is DECEMBER 22, 1900.

The right allows the use of HURRICANE CREEK and SPRING CREEK, tributaries of the WALLOWA RIVER, for IRRIGATION of 13.34 ACRES AND STOCK USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1½ acre feet per acre during any period of 30 days prior to July 31<sup>st</sup> of each year, and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season for irrigation and stock, if available at the authorized points of diversion: OTTO DITCHES - NW¼ SW¼, SECTION 2, NE¼ SE¼, SECTION 3, T 2 S, R 44 3, W.M..

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

The authorized place of use is located as follows:

NE¼ SE¼ 13.34 ACRES  
SECTION 3  
TOWNSHIP 2 SOUTH, RANGE 44 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the points of diversion to:

HURRICANE CREEK - NE¼ SE¼, SECTION 3, T 2 S, R 44 E, W.M.; 2255 FEET NORTH AND 610 FEET WEST FROM THE SE CORNER, SECTION 3;

SPRING CREEK - NE¼ SE¼, SECTION 3, T 2 S, R 44 E, W.M.; 1635 FEET NORTH AND 1126 FEET WEST FROM THE SE CORNER, SECTION 3.

In addition, the applicant makes **no claim** to the Power Use portion of Certificate 3126 and has requested to **cancel** the Power Use portion of Certificate 3126.

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

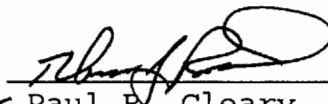
1. The proposed changes shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.

3. The water user shall install and maintain a headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices 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 surface water sources as the original points of diversion.

Certificate 3126 is canceled. The Power Use portion of Certificate 3126 has been abandoned and is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer or cancellation. 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 MAR 14 2002\_\_\_\_\_.

  
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for Paul R. Cleary, Director