

3858

FOLTZ & KOENIG

Name Richard F Joyce Foltz
& Dennis E. & Anne Koenig
 Address 7538 Stayton Rd. SE
Turner, OR 97392

3858

DESCRIPTION OF WATER RIGHT

Name of stream Wells #1 & #3
 Trib. of _____ County of Marion
 Use Irr.
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. G-5066 Per. No. G-4776 Cert. No. 42230
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>1-9-78</u>	<u>30.00</u>	<u>587</u>
TOTAL . . .		
<u>2-15-78</u>	<u>\$2</u> Cert. Fee	<u>1164</u>

FEES REFUNDED

Date	Amount	Check No.
<u>1-18-80</u>	<u>2.00</u>	<u>4008 but no receipt</u>

Change in POU
 Date filed 1-9-78
 Date of hearing _____
 Place of hearing _____
 Date of order 2-8-78 Vol. 30, page 394-5
EXT to 10-1-80
 Date for application of water 10-1-79
 Proof mailed MAY 29 1987
 Proof received _____
 Certificate issued FEB 25 1980 Vol. 42, page 49069
JUL 2 1987 52 56360

REMARKS

Surveyed 5/19/85 (Koenig)

CARD FOR C DEC 26 1979

CARD FOR C NOV 4 1980

W.R.I.S.

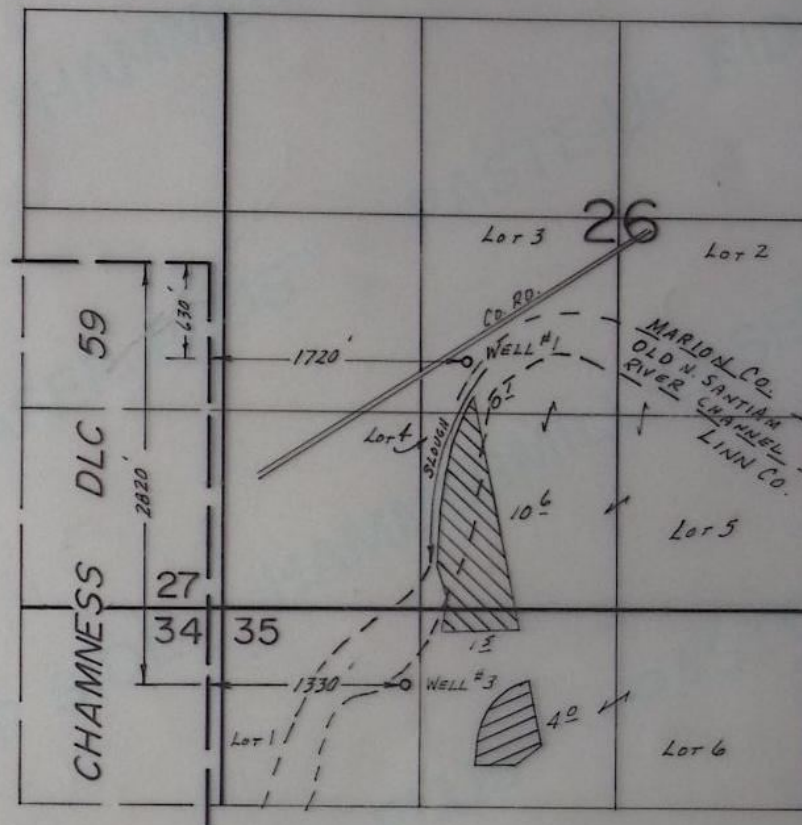
Assembled 6-28-85 by SKA


Entered _____ by _____


Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	✓	Name	<u>lg</u>	_____
	✓	Stream	<u>lg</u>	_____
		Pt. of Div.	<u>st</u>	_____
	✓	Calendar	<u>st</u>	_____
CHECKED TO RECORDS:				
	✓	Twp. & Rge.	<u>st</u>	_____
		Decree-vault	_____	_____
		Decree-safe	_____	_____
	✓	Cert. of W/R	<u>lg</u>	_____
	✓	For. Folder	<u>lg</u>	_____
		Chadindex	_____	_____
		Cross Ref.	_____	_____
		Power Claim	_____	_____
	✓	Abstracts	<u>lg</u>	_____

93



 Well No. 1

 Well No. 3

SCALE: 1"=1320'

FINAL PROOF SURVEY

UNDER

Transfer No. 3858

IN NAME OF

DENNIS E. & ANNE KOENIG

Surveyed May 17 1985, by T.M. WARREN

5/7/86
1240

PTS 1965 L

STATE OF OREGON
COUNTY OF MARION & LINN

Superseded by 49069

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DENNIS E. Koenig

of 7538 STAYTON RD. SE, 97392
Route 1, Box 246, Turner, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of

Two ~~three~~ wells

a tributary of North Santiam River
irrigation of 62.7 acres

for the purpose of

under Permit No. G-4776 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from December 31, 1969

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually ^{3.12}beneficially used for said purposes, and shall not exceed
0.20 ~~0.78~~ cubic foot per second, being 0.30 c.f.s. from well No. 1, ~~0.22~~ c.f.s. from
well No. 2, and 0.26 c.f.s. from well No. 3

0.05

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the #1 - Lot 3 (NE 1/4 SW 1/4), #2 - SW 1/4 SW 1/4, Section 26,
#3 - Lot 1 (NW 1/4 NW 1/4), Section 35, T. 9 S., R. 2 W., W. M., #1 - 630 feet South and
1720 feet East, #2 - 2190 feet South and 1040 feet East, #3 - 2820 feet South and *

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be 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 1/2 acre feet per acre for each acre irrigated during
the irrigation season of each year;

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

Well No. 1

0.1 ac. ~~14.8 acres~~
9.3 acres

10.6 acres

1.5 acres

Well No. 2

0.2 acre
1.0 acre
16.0 acres
0.4 acre

Section 26

0.1 acre

Section 35

T. 9 S., R. 2 W., W. M.

Well No. 3

2.5 acres

4.0

12.0 acres

6.4 acres

Lot 3 (NE 1/4 SW 1/4)

NW 1/4 SW 1/4

SW 1/4 SW 1/4

Lot 4 (SE 1/4 SW 1/4)

Lot 5 (SE 1/4 SW 1/4)

Lot 6 (NE 1/4 NW 1/4)

Lot 1 (NW 1/4 NW 1/4)

* 1330 feet East, all from NE Corner, Chamness DLC 59.

PLACE OF USE

this certificate is issued to confirm a change in ~~point of diversion~~ approved
by an order of the Water Resources Department entered FEB. 8 1978
and together with certificate of water right recorded at page 49069,
Volume 42, State Record of Water Right Certificates, supersedes
certificate 42230.

The issuance of this superseding certificate does not confirm the status of
the water right in regard to the provisions of OR 540.610 pertaining to
forfeiture or abandonment.

Recorded in State Record of Water Right Certificates, Volume 34, page 56360

T3855

STATE OF OREGON
COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **DENNIS E. & ANNE KOENIG** 97392
of **Route 1, Box 246, Turner**, State of **Oregon**, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
three wells

a tributary of **North Santiam River** for the purpose of
irrigation of ~~62.7~~ ^{36.7} acres

under Permit No. **G-4776** of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **December 31, 1969**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.45 ~~0.70~~ cubic foot per second, being ~~0.30~~ ^{0.02} c.f.s. from well No. 1, ~~0.22~~ ^{0.21} c.f.s. from
well No. 2, and ~~0.26~~ c.f.s. from well No. 3

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the ~~SW 1/4 SW 1/4~~ ^{NE 1/4 SW 1/4} Lot 3 (NE 1/4 SW 1/4), ~~SW 1/4 SW 1/4~~ ^{SW 1/4 SW 1/4} Section 26,
~~SW 1/4 NW 1/4~~ Lot 1 (NW 1/4 NW 1/4), Section 35, T. 9 S., R. 2 W., W. M., #1 - 630 feet South and
1720 feet East, #2 - 2190 feet South and 1040 feet East, #3 - 2820 feet South and *

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to ~~one-eighth~~ ^{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 1/2 acre feet per acre for each acre irrigated during
the irrigation season of each year;

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

Well No. 1	Well No. 2	Well No. 3	
14.8 acres	0.2 acre		Lot 3 (NE 1/4 SW 1/4)
2.1 9.3 acres	1.0 acre		NW 1/4 SW 1/4
	16.0 acres		SW 1/4 SW 1/4
	0.4 acre		Lot 4 (SE 1/4 SW 1/4)
		2.5 acres	Lot 5 (SE 1/4 SW 1/4)
	Section 26		
	0.1 acre	10.5 12.0 acres	Lot 6 (NE 1/4 NW 1/4)
		6.4 acres	Lot 1 (NW 1/4 NW 1/4)
	Section 35		
	T. 9 S., R. 2 W., W. M.		

* 1330 feet East, all from NE Corner, Chamness DLC 59.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 42230, Volume 39, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on Feb 8, 1978, approving transfer application No. 3858.

The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

Make Double page cert
list in column

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF RICHARD AND JOYCE FOLTZ AND)
DENNIS E. AND ANNE KOENIG FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM WELLS 1 AND 3)

ORDER APPROVING
TRANSFER NO. 3858

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.

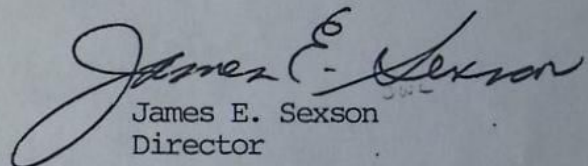
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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