STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.580, 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 8154 submitted by

SWALLEY IRRIGATION DISTRICT P.O. BOX 5126 BEND, OREGON 97708-5126.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by PORTIONS of Certificate 74145. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATING 29.4 ACRES AND 3.0 ACRES -EQUIVALENT FOR POND MAINTENANCE.

The authorized place of use is located as follows:

TWP	RNG	SEC	QTR/QTR	TAXLOT	USE	ACRES
16S	12E	10	SW¼ NE¼	100	IRR	0.80
16S	12E	10	SE¼ NE¼	100	IRR	0.80
16S	12E	10	SE¼ NE¼	100	POND	2.40

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final order in other than a contested case. Under the provisions of OAR 137-004-0080, a person entitled to judicial review of this order may petition for reconsideration of the order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date of the order.

Pursuant to ORS 536.075(1), this order is subject to judicial review under ORS 183.484. Any party affected by this order may appeal the order to the Circuit Court of Marion County or to the circuit court of the county in which all or part of the property affected by the order is situated. Review shall be as provided in ORS 536.075. A petition for judicial review shall be filed within 60 days from the date the order is served, or if a petition for reconsideration has been filed, then within 60 days following the date the order denying such petition is served. The petition shall state the facts showing how the petitioner is adversely affected by the order and the ground or grounds upon which the petitioner contends the order should be reversed or remanded.

Superceded Special Order Volume 53, Page 1173

Authorized place of use continued:

TWP	RNG	SEC	QTR/QTR T	AXLOT	USE	ACRES
16S	12E	10	NE½ SE¼	101	IRR	0.70
16S	12E	10	NW1/4 SE1/4	102	IRR	1.60
17S	12E	21	NW¼ NE¼	200	IRR	8.50
17S	12E	21	SW1/4 NE1/4	1400	IRR	7.30
17S	12E	21	SW1/4 NE1/4	1400	POND	0.60
17S	12E	21	SW1/4 NE1/4	1403	IRR	3.40
17S	12E	21	NW1/4 SE1/4	100	IRR	3.30
17S	12E	22	NE1/4 SE1/4	1500	IRR	1.00
17S	12E	22	NW1/4 SE1/4	1500	IRR	2.00

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 place of use to:

TWP	RNG	SEC	QTR/QTR	TAXLOT	USE	ACRES
16S	12E	10	SW1/4 NE1/4	400	IRR	1.60
16S	12E	10	SW1/4 NE1/4	400	POND	2.40
16S	12E	10	NE1/4 SW1/4	800	IRR	1.60
16 S	12E	10	NW1/4 SE1/4	102	IRR	0.70
16S	12E	32	SW1/4 SW1/4	709	IRR	1.50
16S	12E	32	SW1/4 SW1/4	714	IRR	1.50
16S	12E	33	SW1/4 NE1/4	104	IRR	0.48
16S	12E	33	NW1/4 SE1/4	104	IRR	3.52
17S	12E	04	NW1/4 NE1/4	217	IRR	1.30
17S	12E	04	SW1/4 NE1/4	210	POND	0.25
17S	12E	04	SW1/4 NE1/4	218	IRR	6.70
17S	12E	04	SW1/4 NE1/4	218	POND	0.35
17S	12E	08	NW1/4 SW1/4	1000	IRR	2.00
17S	12E	21	NE¼ NW¼	900	IRR	4.89
17S	12E	21	NW1/4 NW1/4	900	IRR	1.19
17S	12E	21	SW1/4 NW1/4	900	IRR	0.20
17S	12E	21	SE1/4 NW1/4	900	IRR	0.22
17S	12E	21	NW1/4 SW1/4	900	IRR	2.00

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, 2000.
- 2. The former places of use shall no longer be irrigated as a part of this water right.
- 3. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by SWALLEY IRRIGATION DISTRICT, on or before October 1, 2001.
- 4. Except as modified herein, all other conditions and restrictions of on Certificate 74145 remain in effect.
- 5. When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

WITNESS the signature of the Water Resources Director affixed _____AUG 3 0 1999

Martha O. Pagel, Director