

STATE OF OREGON

COUNTY OF DESCHUTES

**ORDER APPROVING A CHANGE IN USE, PLACE OF USE,
AND POINT 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 8879 submitted by

STATE OF OREGON PARKS AND RECREATION DEPARTMENT
TUMALO STATE PARK
62976 O.B. RILEY ROAD
BEND, OREGON 97701.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by a PORTION of Certificate 74145. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282 and Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of the DESCHUTES RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 1.0 ACRE AND 1.1 ACRES EQUIVALENT FOR PARK MAINTENANCE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the quantity determined by decree of the Circuit Court for Deschutes County, dated March 24, 1933, if available at the authorized point of diversion: DIVERSION POINT 9 - NW¼ SE¼, SECTION 6; SWALLEY MAIN CANAL -

This is a final 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.

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29; both in T 17 S, R 12 E, W.M.; N 27° 1' E, 678 FEET FROM THE SW CORNER OF THE NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 6; 985 FEET NORTH AND 617 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 29, 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 any other right for the same lands, is limited to a diversion of not to exceed the quantity determined by decree of the Circuit Court for Deschutes County, dated March 24, 1933, being:

April 1 to May 1 & October 1 to November 1	1 cfs to 83.00 acres
May 1 to May 15 & September 15 to October 15	1 cfs to 62.00 acres
May 15 to September 15	1 cfs to 33.45 acres

for each acre irrigated from the Swalley Canal during the irrigation season of each year, not to exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the diversion from the source.

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal.

The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates **without** the 43% transmission loss allowed by the March 24, 1933 decree, and shall not exceed 5.46 acre feet for each acre irrigated during the irrigation season.

The authorized place of use is located as follows:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.1 ACRES EQUIVALENT (PARK MAINTENANCE)
SECTION 6

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 ACRE (IRRIGATION)
SECTION 20

TOWNSHIP 17 SOUTH, RANGE 12 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 use of 1.1 ACRES EQUIVALENT (PARK MAINTENANCE) to IRRIGATION OF 1.1 ACRES.

The applicant proposes to change the place of use to:

SE¼ SW¼	0.70 ACRE
NE¼ SE¼	0.17 ACRE
NW¼ SE¼	0.93 ACRE
SW¼ SE¼	0.30 ACRE

SECTION 6
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

The applicant proposes to change the points of diversion to:

NE¼ SW¼, SECTION 6, T 17 S, R 12 E, W.M.; 1330 FEET NORTH AND 348 FEET WEST FROM THE S¼ CORNER, SECTION 6.

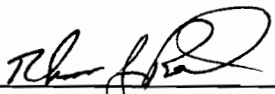
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new 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. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

Except as modified herein, all other conditions and restrictions on Certificate 74145 remain in effect.

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 DEC 28 2001.



Paul R. Cleary, Director