

**STATE OF OREGON**  
**COUNTY OF DESCHUTES**

**SUPERSEDING ORDER APPROVING A CHANGE IN PLACE OF USE**

A scrivener's error was discovered in Special Order Volume 53, Page 1173. The authorized place of use and proposed place of use tabulations omitted certain water rights. Special Order Volume 53, Page 1173 is superseded by the following:

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 39.9 ACRES AND 3.0 ACRES - EQUIVALENT FOR POND MAINTENANCE.

The authorized place of use is located as follows:

<u>TWP</u>	<u>RNG</u>	<u>SEC</u>	<u>QTR/QTR</u>	<u>TAXLOT</u>	<u>USE</u>	<u>ACRES</u>
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
16S	12E	10	NE¼ SE¼	101	IRR	0.70
16S	12E	10	NW¼ SE¼	102	IRR	1.60

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final order in other than contested case. Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the time specified by ORS 183.484(2).

Authorized place of use continued:

<u>TWP</u>	<u>RNG</u>	<u>SEC</u>	<u>QTR/QTR</u>	<u>TAXLOT</u>	<u>USE</u>	<u>ACRES</u>
16S	12E	32	SW¼ SW¼	709	IRR	6.00
16S	12E	32	SW¼ SW¼	714	IRR	4.50
17S	12E	21	NW¼ NE¼	200	IRR	8.50
17S	12E	21	SW¼ NE¼	1400	IRR	7.30
17S	12E	21	SW¼ NE¼	1400	POND	0.60
17S	12E	21	SW¼ NE¼	1403	IRR	3.40
17S	12E	21	NW¼ SE¼	100	IRR	3.30
17S	12E	22	NE¼ SE¼	1600	IRR	1.00
17S	12E	22	NW¼ SE¼	1600	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:

<u>TWP</u>	<u>RNG</u>	<u>SEC</u>	<u>QTR/QTR</u>	<u>TAXLOT</u>	<u>USE</u>	<u>ACRES</u>
16S	12E	10	SW¼ NE¼	400	IRR	1.60
16S	12E	10	SW¼ NE¼	400	POND	2.40
16S	12E	10	NE¼ SW¼	800	IRR	1.60
16S	12E	10	NW¼ SE¼	102	IRR	0.70
16S	12E	32	SW¼ SW¼	709	IRR	7.50
16S	12E	32	SW¼ SW¼	714	IRR	6.00
16S	12E	33	SW¼ NE¼	104	IRR	0.48
16S	12E	33	NW¼ SE¼	104	IRR	3.52
17S	12E	04	NW¼ NE¼	217	IRR	1.30
17S	12E	04	SW¼ NE¼	210	POND	0.25
17S	12E	04	SW¼ NE¼	218	IRR	6.70
17S	12E	04	SW¼ NE¼	218	POND	0.35
17S	12E	08	NW¼ SW¼	1000	IRR	2.00
17S	12E	21	NE¼ NW¼	900	IRR	4.89
17S	12E	21	NW¼ NW¼	900	IRR	1.19
17S	12E	21	SW¼ NW¼	900	IRR	0.20
17S	12E	21	SE¼ NW¼	900	IRR	0.22
17S	12E	21	NW¼ SW¼	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 11/23/99.

  
Martha O. Pagel, Director