

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) **F I N A L O R D E R**
T-9308, Deschutes County) **APPROVING A DISTRICT**
) **PERMANENT TRANSFER**

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

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

Findings of Fact

1. On December 12, 2002, Swalley Irrigation District filed a district transfer application to permanently change the place of use under Certificate 74145. The Department assigned the application number T-9308.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:
Certificate: 74145, issued in the name of Swalley Irrigation District
Use: Irrigation
Priority Date: September 1, 1899
Rate & Duty: Maximum of 1/33.45 cfs per acre irrigated (May 15 to Sept. 15) & 9.58 acre-feet per acre per year (reflects a 43% transmission loss allowed by decree)
Source: Deschutes River, tributary to Columbia River

This is a final order in other than 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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied

4. Authorized Place of Use:

AUTHORIZED PLACE OF USE – CERTIFICATE 74145											
TWP	RNG	MER	SEC	1/4	1/4	TL	ACRES	USER	NOT#		
17	S	12	E	W.M.	16	NE	SE	300	2.00	SWALLEY ID	N-51
TOTAL:								2.00			

5. Application T-9308 proposes to change the place of use to:

PROPOSED PLACE OF USE – CERTIFICATE 74145											
TWP	RNG	MER	SEC	1/4	1/4	TL	ACRES	USER	NOT#		
15	S	12	E	W.M.	36	SW	SE	1500	2.00	DAVIS	N-51
TOTAL:								2.00			

6. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
7. The water right is subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed change in place of use would not result in enlargement of the right.
9. The proposed change in place of use would not result in injury to other water rights.

Conclusions of Law


The proposed changes in place of use in Transfer Application T-9308 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed change to the water right evidenced by Certificate 74145 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2007.

6. The Department shall issue a water right certificate on a determination that it is necessary to produce a certificate describing the water right.

Dated at Salem, Oregon this 25th day of July, 2005.


Phillip C. Ward, Director