

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

In the Matter of the Completion of a Change )  
in Place of Use Under Transfer Application )  
T-12230, Deschutes County )     **DETERMINATION OF SATISFACTORY  
PROOF OF COMPLETION FOR A  
PERMANENT DISTRICT TRANSFER**

**Authority**

Oregon Administrative Rule (OAR) 690-385-7400 describes the documentation the district must file with the Department in order to provide proof of use.

OAR 690-385-7600 provides in pertinent part that satisfactory proof shall be (a) a determination by the Department that application of water to beneficial use under the terms of the transfer final order was completed to the extent authorized, or (b) a determination by the Department that the application of water to a beneficial use under the terms of the transfer final order was completed to an extent less than authorized.

Oregon Revised Statute (ORS) 540.530(2)(a) and OAR 690-385-7600 authorize the Department to issue or modify a certificate of water right upon satisfactory proof of completion of the change or changes authorized by a final order approving a permanent district transfer.

**Applicant**

SWALLEY IRRIGATION DISTRICT  
64672 COOK AVE, SUITE 1  
BEND, OR 97703

**Findings of Fact**

1. On February 16, 2016, the Department signed a final order, which was mailed on March 2, 2016, and recorded in Special Order Volume 98, Pages 869-871 approving Transfer Application T-12230 involving Certificate 74145. The final order established October 1, 2017, as the date for completion of the authorized changes in place of use.
2. On September 24, 2018, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12230 satisfying the requirements for proof of use under OAR 690-385-7400.
3. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-12230.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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. The CBU did not contain a map of the point of diversion from the source. However, since the transfer involved the transfer of places of use only within an irrigation district and did not involve a change in the point of diversion, the existing maps on file with the Department are sufficient to identify the point of diversion from the source.
5. The proposed place of use for Certificate 74145 as approved the final order for Transfer Application T-12230, and as recorded in Special Order Volume 98, Pages 869-871 is shown in Table 1, below:

**Table 1:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S <sup>1</sup>	12 E	WM	9	SW NW	0.61	2200	YANDLE-ROTH	-----
16 S	12 E	WM	14	SW NE	2.05	603	BRANT	-----
16 S	12 E	WM	21	NW NW	0.08	203	TILLMAN	-----
16 S	12 E	WM	21	NW SW	1.48	502	WIGLE	-----
16 S	12 E	WM	29	NW SW	0.82	3600	MUNSON	2015-03
16 S	12 E	WM	29	NE SW	0.45	3600	MUNSON	2015-03
16 S	12 E	WM	32	SW SE	0.31	800	PETRY	-----
16 S	12 E	WM	32	NE SW	1.03	604	ASHLEY	-----
16 S	12 E	WM	32	NE SW <sup>2</sup>	0.34	604	ASHLEY	-----
16 S	12 E	WM	33	SW NE	0.04	103	MOORE	-----
16 S	12 E	WM	33	NW SE	0.96	103	MOORE	-----
17 S	12 E	WM	5	NW NE	0.76	2300	MILLARD	-----
17 S	12 E	WM	5	SE NW	1.00	1400	MORGAN <sup>3</sup>	-----
17 S	12 E	WM	8	NW SE	0.07	300	MEYER	-----
17 S	12 E	WM	9	SE NW	0.87	1000	BARKER	-----
17 S	12 E	WM	9	SW NW	0.39	2200	YANDLE-ROTH	-----
17 S	12 E	WM	16	SW NE	0.40	1500	PENHOLLOW	2015-02
<b>Total</b>					<b>11.66</b>			

<sup>1</sup> This was incorrectly listed as 16 S in the Final Order recorded in Special Order Volume 98, Pages 869-871. The correct township for this parcel is 17 S.

<sup>2</sup> This was incorrectly listed as NW SE in the Final Order recorded in Special Order Volume 98, Pages 869-871. The correct quarter-quarter for this parcel is NE SW.

<sup>3</sup> This is different from the water user (Johansen) that was listed in the transfer final order. It has been updated here to reflect the change as shown in the CBU.

6. Based on the review of evidence submitted by the applicant, the Department finds that the application of water to beneficial use under the terms of the transfer final order for T-12230 was completed to the extent authorized in the transfer as described in Table 1.

### Conclusions of Law

1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 1, and 2, above.
3. The applicant has demonstrated proof of completion under T-12230 to the satisfaction of the Department.

4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12230 consistent with this determination of satisfactory proof of completion.

**Now, therefore, it is ORDERED:**

1. Water right Certificate 74145 is modified as shown in Table 1, above. The Department will issue a superseding certificate describing this right when it determines it is necessary for record keeping.

Signed at Salem, Oregon on OCT 22 2018



Dwight French, Water Right Services Administrator for  
THOMAS M. BYLER, DIRECTOR  
Oregon Department of Water Resources

Mailing date: OCT 23 2018