

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

In the Matter of the Completion of a Change)
in Character of Use Under Transfer) DETERMINATION OF SATISFACTORY PROOF
Application T-12535, Deschutes County) OF COMPLETION FOR A PERMANENT
TRANSFER FOR A DISTRICT

Authority

Oregon Administrative Rule (OAR) 690-380-6030 describes the documentation that must be filed with the Department in order to provide proof of use.

OAR 690-380-6040 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) authorizes 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 transfer for an irrigation district.

Applicant

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

Findings of Fact

1. On March 18, 2019, the Department signed a final order, which was mailed on March 19, 2019, and recorded in Special Order Volume 112, Pages 763-766, approving Transfer Application T-12535 involving Certificate 74145. The final order established October 1, 2020, as the date for completion of a change in character of use from nursery to irrigation.
2. On September 30, 2020, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12535 satisfying the requirements for providing proof of use under OAR 690-380-6030.

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.

3. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-12535.
4. The CBU did not contain a map of the point of diversion from the source. However, since the transfer involved a change in character of use 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 change in character of use for Certificate 74145 as approved the final order for Transfer Application T-12535, and as recorded in Special Order Volume 112, Pages 763-766, is shown in Table 1, below:

Table 1:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
17 S	12 E	WM	23	NW NW	1800	0.72
17 S	12 E	WM	23	SW NW	1800	0.12
Total						0.84

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-12535 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 690-380-6030.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Table 1, above.
3. The applicant has demonstrated proof of completion under T-12535 to the satisfaction of the Department.
4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-12535 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 21 2020.



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: OCT 22 2020