

**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 ) DETERMINATION OF SATISFACTORY PROOF  
T-13882, Deschutes County ) 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 May 9, 2022, the Department signed a final order, which was mailed on May 10, 2022, and recorded in Special Order Volume 125, Pages 11-14, approving Transfer Application T-13882 involving Certificate 74145. The final order established October 1, 2023, as the date for completion of the authorized changes in place of use.
2. On December 19, 2023, the Department signed a correcting final order, which was mailed on December 19, 2023, and recorded in Special Order Volume 129, Pages 532-534, approving a change in place of use for 0.23 acres for nursery use under Transfer Application

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

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.

T-13882 involving Certificate 74145. This 0.23 acre of nursery use was inadvertently omitted from the original final order.

3. On October 26, 2023, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-13882 satisfying the requirements for providing proof of use under OAR 690-380-6030.
4. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-13882.
5. 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.
6. The proposed place of use for Certificate 74145 as approved the final order for Transfer Application T-13882, and as recorded in Special Order Volume 125, Pages 11-14 is shown in Table 1, below:

**Table 1:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	12 E	WM	16	SW SE	2.92	1700	ORB LAND MANAGEMENT LLC	2021-03
16 S	12 E	WM	16	SE SE	0.48	1700	ORB LAND MANAGEMENT LLC	2021-03
16 S	12 E	WM	21	SW NE	1.68	103	ACHILLE	2021-02
16 S	12 E	WM	21	SE NW	0.32	103	ACHILLE	2021-02
16 S	12 E	WM	32	NE NE	1.00	200	CHANG	2021-05
16 S	12 E	WM	34	NE NW	6.48	300	FREEMAN	2021-06
17 S	12 E	WM	4	NW NE	2.00	228	GROSCUP FAMILY TRUST	2021-01
17 S	12 E	WM	4	NE NW	1.00	223	<b>BURGIN</b> <sup>1</sup>	2021-04
17 S	12 E	WM	17	NW SW	0.01	302	PETERSON	2021-07
17 S	12 E	WM	17	NW SW	0.72	300	PETERSON	2021-07
<b>Total</b>					<b>16.61</b>			

<sup>1</sup>This is different from the water user then was listed in the transfer final order. It has been updated here to reflect the change as shown in the CBU.

7. The proposed place of use for Certificate 74145 as approved the correcting final order for Transfer Application T-13882, and as recorded in Special Order Volume 129, Pages 532-534, for nursery use is shown in Table 2, below:

**Table 2:**

NURSERY USE								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	12 E	WM	16	SW SE	0.23	1700	ORB LAND MANAGEMENT LLC	2021-03

8. 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-13882 was completed to the extent authorized in the transfer as described in Tables 1 and 2.

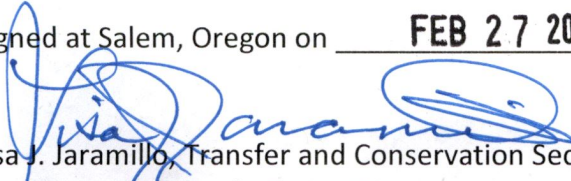
**Conclusions of Law**

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-13882 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-13882 consistent with this determination of satisfactory proof of completion.

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

1. Water right Certificate 74145 is modified as shown in Tables 1 and 2, 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 FEB 27 2024.

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

Mailing Date: FEB 28 2024