

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, 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 8054 submitted by

DESCHUTES COUNTY JUSTICE CENTER
c/o SWALLEY IRRIGATION DISTRICT
PO BOX 5126
BEND OR 97708-5126

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by a PORTION of Certificate 74145. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282 AND Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATION of 3.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the quantity determined by decree of the Circuit Court for Deschutes county, dated march 24, 1933, being:

APRIL 1 TO MAY 1 AND OCT. 1 TO NOV. 1	1 CFS TO 83.00 ACRES
MAY 1 TO MAY 15 AND SEPT. 15 TO OCT. 1	1 CFS TO 62.00 ACRES
MAY 15 TO SEPT. 15	1 CFS TO 33.45 ACRES

for each acre irrigated from the Swalley Canal during the irrigation season of each year, not to exceed 9.58 acre feet for each acre irrigated during the irrigation season, if available at the original point of diversion: SWALLEY MAIN CANAL - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T 17 S, R 12 E, W.M.; 985 FEET NORTH AND 617 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 29; or its equivalent in case of rotation, measured at the point of diversion from the source:

The authorized points of diversion are located as follows:

SWALLEY MAIN CANAL - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T 17 S, R 12 E, W.M.; 985 FEET NORTH AND 617 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 29; and

ADDITIONAL DISTRICT DIVERSION - NW¼ SE¼, SECTION 14, T 15 S, R 12 E, WM; 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14.

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal.

The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates without the 43% transmission loss allowed by the March 24, 1933 decree, and shall not exceed 5.46 acre feet for each acre irrigated during the irrigation season.

The authorized place of use is located as follows:

NE¼ SE¼	TL 599	3.0 ACRES
SE¼ SE¼	TL 609	0.1 ACRE
SECTION 17		
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.		

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by a PORTION of an order of the Water Resources Director, entered at Special Order Volume 50, Page 183, approving Transfer 7463. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282 AND Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATION of 4.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the quantity determined by decree of the Circuit Court for Deschutes county, dated march 24, 1933, being:

APRIL 1 TO MAY 1 AND OCT. 1 TO NOV. 1	1 CFS TO 83.00 ACRES
MAY 1 TO MAY 15 AND SEPT. 15 TO OCT. 1	1 CFS TO 62.00 ACRES
MAY 15 TO SEPT. 15	1 CFS TO 33.45 ACRES

for each acre irrigated from the Swalley Canal during the irrigation season of each year, not to exceed 9.58 acre feet for each acre irrigated during the irrigation season, if available at the original point of diversion: SWALLEY MAIN CANAL - SE¼ NE¼, SECTION 29, T 17 S, R 12 E, W.M.; 985 FEET NORTH AND 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29; or its equivalent in case of rotation, measured at the point of diversion from the source:

The authorized points of diversion are located as follows:

SWALLEY MAIN CANAL - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T 17 S, R 12 E, W.M.; 985 FEET NORTH AND 617 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 29; and

ADDITIONAL DISTRICT DIVERSION - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 14, T 15 S, R 12 E, WM; 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14.

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal.

The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates without the 43% transmission loss allowed by the March 24, 1933 decree, and shall not exceed 5.46 acre feet for each acre irrigated during the irrigation season.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ TL 100 4.4 ACRES
SECTION 17
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

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 places of use to:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ TL 100 5.3 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ TL 599 2.2 ACRES
SECTION 17
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

Proof to the satisfaction of the Water Resources Director of the completion of Transfer 7463 has been received.

THESE CHANGES TO EXISTING WATERS 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 these water rights.

Certificate 74145 is canceled. New certificates will be issued to confirm those portions of these rights NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed OCT 01 1998 .



fo Martha O. Pagel, Director