

**STATE OF OREGON**

**COUNTY OF DESCHUTES**

**ORDER APPROVING A CHANGE IN PLACE OF USE  
AND POINT OF DIVERSION**

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 8018 submitted by

BERNARD J. AND ELIZABETH J. WESTLUND  
c/o SWALLEY IRRIGATION DISTRICT  
P.O. BOX 5126.  
BEND, OREGON 97708

The 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 IRRIGATING 0.50 acre. 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: SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 29, T 17 S, R 12 E, WM; SWALLEY MAIN CANAL - 985 FEET NORTH AND 617 FEET WEST FROM THE E $\frac{1}{4}$  CORNER, SECTION 29, as measured at the diversion from the source.

The authorized point of diversion is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 16, T 16 S, R 12 E, WM; 390 FEET NORTH AND 474 FEET WEST FROM THE CENTER OF SECTION 16.

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 as follows:

SE¼ NW¼ 0.5 ACRE  
TL 500  
SECTION 16  
TOWNSHIP 16 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 place of use to:

NW¼ SW¼ 0.5 ACRE  
TL 900  
SECTION 16  
TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M.

The applicant also proposes to change the point of diversion to:

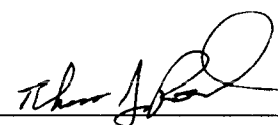
NW¼ SW¼, SECTION 16, T 16 S., R 12 E, W.M.; 392.33 FEET SOUTH AND 999.29 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 16.

THESE CHANGES TO AN EXISTING WATER 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 quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point of diversion.
3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 74145 is canceled. A new certificate will be issued to confirm that portion of the right 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 09 1998.

  
for Martha O. Pagel, Director