

**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-12547, 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 March 31, 2017, the Department signed a final order, which was mailed on April 1, 2017, and recorded in Special Order Volume 103, Pages 268-271, approving Transfer Application T-12547 involving Certificate 74145. The final order established October 1, 2018, as the date for completion of the authorized changes in place of use.
2. On September 30, 2019, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12547 satisfying the requirements for providing proof of use under OAR 690-385-7400.

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-12547.
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-12547, and as recorded in Special Order Volume 103, Pages 268-271 is shown in Table 1, below:

Table 1:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD
16 S	12 E	WM	14	SE NW	0.47	702	RUSSELL	n/a	3 & 15
16 S	12 E	WM	29	SW NE	0.18	300	GELLING	n/a	3 & 15
16 S	12 E	WM	29	SW NE	0.05	303	GELLING	n/a	3 & 15
16 S	12 E	WM	29	NWSW	0.17	3400	BABCOCK	n/a	11
16 S	12 E	WM	29	SW SW	0.28	4600	SUMMER	n/a	11
16 S	12 E	WM	30	SE SE	0.10	806	HARRISON	n/a	10
16 S	12 E	WM	30	SE SE	0.26	807	HARRISON	n/a	10
16 S	12 E	WM	30	SE SE	0.25	808	GOODMAN	n/a	10
16 S	12 E	WM	33	NW NW	0.45	1400	HAAS	n/a	3 & 15
16 S	12 E	WM	33	NW NW	0.59	1500	SCHLECHT	n/a	3 & 15
17 S	12 E	WM	05	SW NE	0.83	2402	PRATT	n/a	3 & 15
17 S	12 E	WM	05	SW NE	1.05	2403	MILTON	n/a	3 & 15
17 S	12 E	WM	05	NE NW	1.04	800	FAULKNER	n/a	3 & 15
17 S	12 E	WM	05	NW SW	1.74	1100	MOELLER/MARTIN	n/a	3 & 15
17 S	12 E	WM	05	SW SW	0.26	1100	MOELLER/MARTIN	n/a	3 & 15
17 S	12 E	WM	09	NE SE	0.66	6700	SHAMROCK TARPONAIRE LLC	n/a	3 & 15
17 S	12 E	WM	09	NW SE	0.10	6700	SHAMROCK TARPONAIRE LLC	n/a	3 & 15
17 S	12 E	WM	09	SE SE	0.11	6700	SHAMROCK TARPONAIRE LLC	n/a	3 & 15
Total:					8.59				

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-12547 was completed to the extent authorized in the transfer as described in Table 1.

Conclusions of Law

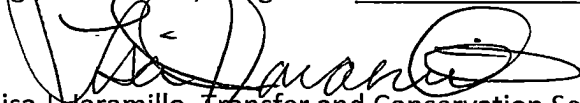
1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 1, and 2, above.

3. The applicant has demonstrated proof of completion under T-12547 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12547 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 DEC 23 2019


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

Mailing Date: DEC 24 2019