

**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)
T-11709, Deschutes County) **DETERMINATION OF
SATISFACTORY PROOF**

Authority

ORS 540.530 and OAR 690-385-7600 describe the process for the Water Resources Department to issue or modify a water right certificate upon determination that an applicant has made satisfactory proof of the completion of the changes.

Applicant

Swalley Irrigation District
646725 Cook Ave, Suite 1
Bend, OR 97701

Findings of Fact

1. On April 4, 2014, the Department signed a final order, recorded in Special Order Volume 92, Pages 139-141, approving Transfer Application T-11709. This final order was issued on April 18, 2014. The order established October 1, 2015, as the date for completion of the authorized changes in place of use.
2. On October 6, 2016, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant.
3. On October 13, 2016, the Department received an amendment from the applicant correcting the use claimed as 4.0 acres of irrigation within Tax Lot 00306, NWNE, Township 16 South, Range 12 East, Section 29, W.M. The correction shows irrigation on 2.69 acres and nursery use on 1.31 acres. The applicant submitted an amended CBU map corresponding to this location to reflect the corrections to the use. On October 21, 2016 the applicant submitted a corrected CLAIM OF BENEFICIAL USE – SITE REPORT for these acres.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11709.
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

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.

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. Satisfactory proof of the changes was submitted with evidence showing that water was used in the location and for the purpose as authorized by the final order approving Transfer Application T-11709.

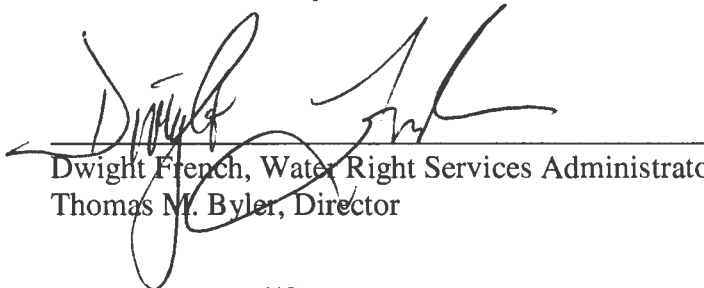
Conclusions of Law

Pursuant to ORS 540.530 and OAR 690-385-7600, the Department may issue or modify a certificate upon a determination the application of water to beneficial use under the terms of the final order approving a permanent district transfer was completed to the extent authorized.

Now, therefore, it is ORDERED:

1. The water has been applied to beneficial use to the extent authorized under the terms of the final order approving Transfer Application T-11709.
2. Water right Certificate 74145 is modified. The Department shall issue water right certificates on a determination that it is necessary to produce certificates describing the water rights.

Issued this 27 day of October, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director

Mailing date: NOV 03 2016