

**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
T-11511, Deschutes County) 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
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

Findings of Fact

1. On March 4, 2013, the Department signed a final order, which was mailed on March 7, 2013, and recorded in Special Order Volume 89, Pages 84-87, approving Transfer Application T-11511 involving Certificate 74145. The final order established October 1, 2014, as the date for completion of the authorized changes in place of use.
2. On October 23, 2015, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11511.
3. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-11511.
4. On January 11, 2017 and January 17, 2017, the Department received amended site reports for Transfer T-11511.
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 as approved the final order for Transfer Application T-11511, and as recorded in Special Order Volume 89, Pages 84-87 is shown in the table below:

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.

Table 1:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
15 S	12 E	WM	36	NE SW	0.90	100	Christianson	2012.05
15 S	12 E	WM	36	SE NW	0.10	100	Christianson	2012.05
16 S	12 E	WM	14	NW NE	2.00	600	Thompson	2009.02
16 S	12 E	WM	14	NW NE	0.28	600	Thompson	2009.02
16 S	12 E	WM	14	NW NW	2.00	800	Gunnels	2008.03
16 S	12 E	WM	21	NW NE	1.62	200	Tillman	2008.02
16 S	12 E	WM	21	NW NW	0.38	200	Tillman	2008.02
16 S	12 E	WM	27	SE SW	0.50	1700	Due	2012.02
16 S	12 E	WM	27	SE SW	0.50	1800	Due	2012.02
16 S	12 E	WM	27	SE NW	2.00	10001	Hickey	2008.04
16 S	12 E	WM	28	SE NW	1.00	304	Ott	2008.01
16 S	12 E	WM	28	NE NW	3.50	803	Vergent, LLC	2012.03
16 S	12 E	WM	29	NE NW	1.25	100	Graves	2007.01
17 S	12 E	WM	4	SE NW	2.00	206	Page	2012.06
17 S	12 E	WM	4	NE NW	2.00	223	Crenshaw	2012 .01
17 S	12 E	WM	5	SE SW	2.00	600	Pederson	2010.01
17 S	12 E	WM	7	NE NE	0.79	100	Gisler	2009.04
17 S	12 E	WM	7	SE NE	4.61	100	Gisler	2009.04
17 S	12 E	WM	9	SW NE	4.75	2401	Daniel	2012.04
17 S	12 E	WM	17	NW SW	0.50	704	Spalding	2012.08
17 S	12 E	WM	21	NW NW	2.75	1301	Larocco	2009.01
17 S	12 E	WM	22	NE SE	0.02	2700	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.04	2700	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.30	3000	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.08	3000	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.50	3100	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.04	3100	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.06	3200	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.08	3200	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.24	3301	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.14	3313	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.05	3315	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.09	3315	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.10	3321	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.07	3400	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.07	4600	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.30	4600	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.07	4700	Stonebrook	2012.07
16 S	12 E	WM	28	NE NW	3.50	800	Brant	2009.03
17 S	12 E	WM	7	NE NE	2.51	100	Gisler	2007.02
17 S	12 E	WM	7	SE NE	3.99	100	Gisler	2007.02
16 S	12 E	WM	29	SE SE	0.27	1200	Marshall	2008.04
16 S	12 E	WM	20	SW NE	0.36	701	Johnson	2011.05
16 S	12 E	WM	20	SW NE	0.21	800	Johnson	2011.05
16 S	12 E	WM	32	NW NW	0.16	304	Barton	2011.04
16 S	12 E	WM	32	NE NE	0.57	304	Barton	2011.04
16 S	12 E	WM	21	NW NW	0.58	200	Tillman	2012.09
16 S	12 E	WM	21	NE NW	0.18	200	Tillman	2012.09
17 S	12 E	WM	20	NW NE	0.62	200	McAlister	2007.03
Total:					50.63			

7. Information in the CBU indicates some water user(s) and tax lot number(s) have changed subsequent to the issuance of the final order approving Transfer Application T-11511 on some parcels affected by the transfer. In addition, portions of the transfer for Certificate 74145 were developed differently than authorized in the final order, and a scrivener's error was identified in the location description of some parcels. Any such changes as identified in the CBU and associated maps are shown in **BOLD** in the table below.

Table 2:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
15 S	12 E	WM	36	NE SW	0.90	100	Christianson	2012.05
15 S	12 E	WM	36	SE NW	0.10	100	Christianson	2012.05
16 S	12 E	WM	14	NW NE	2.00	600	Thompson	2009.02
16 S	12 E	WM	14	NW NE	0.28	600	Thompson	2009.02
16 S	12 E	WM	14	NW NW	2.00	800	Gunnels	2008.03
16 S	12 E	WM	21	NW NE	1.62	204	Tillman	2008.02
16 S	12 E	WM	21	NW NW	0.38	203	Tillman	2008.02
16 S	12 E	WM	27	SE NE	0.50	1700	Due	2012.02
16 S	12 E	WM	27	SE NE	0.50	1800	Due	2012.02
16 S	12 E	WM	27	SE NW	2.00	10001	Hickey	2008.04
16 S	12 E	WM	28	SE NW	1.00	304	Ott	2008.01
16 S	12 E	WM	28	NE NW	3.50	803	Halvorson	2012.03
16 S	12 E	WM	29	NE NW	1.25	100	Graves	2007.01
17 S	12 E	WM	4	SE NW	2.00	206	Page	2012.06
17 S	12 E	WM	4	NE NW	2.00	223	Crenshaw	2012 .01
17 S	12 E	WM	5	SE SW	2.00	600	Pederson	2010.01
17 S	12 E	WM	7	NE NE	0.79	100	Orr Properties	2009.04
17 S	12 E	WM	7	SE NE	4.61	100	Orr Properties	2009.04
17 S	12 E	WM	9	SW NE	4.75	2401	Daniel	2012.04
17 S	12 E	WM	17	NW SW	0.50	704	Spalding	2012.08
17 S	12 E	WM	21	NW NW	2.75	1301	Larocco	2009.01
17 S	12 E	WM	22	NE SE	0.02	2700	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.04	2700	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.30	3000	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.08	3000	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.50	3100	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.04	3100	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.06	3200	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.08	3200	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.24	3301	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.14	3313	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.05	3315	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.09	3315	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.10	3321	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.07	3400	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.07	4600	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.30	4600	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.07	4700	Stonebrook	2012.07
16 S	12 E	WM	28	NE NW	3.50	800	Brant	2009.03
17 S	12 E	WM	7	NE NE	2.51	100	Gisler	2007.02
17 S	12 E	WM	7	SE NE	3.99	100	Gisler	2007.02
16 S	12 E	WM	29	SE SE	0.27	1200	Marshall	2008.04

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
16 S	12 E	WM	20	SW NE	0.36	701	Johnson	2011.05
16 S	12 E	WM	20	SW NE	0.21	800	Ayers	2011.05
16 S	12 E	WM	32	NW NW	0.14	304	Barton	2011.04
16 S	12 E	WM	32	NE NE	0.59	304	Barton	2011.04
16 S	12 E	WM	21	NW NW	0.58	203	Tillman	2012.09
16 S	12 E	WM	21	NE NW	0.18	200	Tillman	2012.09
17 S	12 E	WM	20	NW NE	0.62	151	COTD IV, LLC	2007.03
Total:					50.63			

8. The reconfigured changes in place of use as documented in the CBU and associated maps are determined satisfactory because the reconfigured, completed uses are under the same water right holders, do not enlarge the rights and affect the same number of irrigated acres.
9. Satisfactory proof of the changes was submitted with evidence showing that water was used in the locations and for the purpose as authorized by the final order approving Transfer Application T-11511.

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-11511 with the modifications as shown in Table 2, above.
2. Water right certificate 74145 is modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 19 day of January, 2017.



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

Mailing date: JAN 26 2017