

Maximum Duty that can be applied to an acre:

Not to exceed 9.58 acre-feet (af) per acre per year.

The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served by direct pumping from the Deschutes River, are not allowed the 43% transmission loss and shall not exceed 5.46 af per acre per year.

Source: The DESCHUTES RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3	17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL- 985 FEET NORTH AND 617 FEET WEST FROM THE E¼ CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
17 S	12 E	WM	4	NE SE	1.34	600		GIBB	2017-03

NURSURY USE									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
17 S	12 E	WM	22	NW NE	0.06	103	SWALLEY I.D.- QUITCLAIM	2017-04	
17 S	12 E	WM	22	NW NE	0.05	103	SWALLEY I.D.- QUITCLAIM	2017-02	
Total:					0.11				

4. Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
17 S	12 E	WM	4	NE SE	1.34	601		KENNELS	2017-03

NURSURY USE									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
16S	12 E	WM	1	SW SE	0.05	400		LILLESTON	2017-02
16S	12 E	WM	27	SW SE	0.06	900		BRADY	2017-04
Total:					0.11				

5. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
6. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
7. The water right is subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).

9. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
10. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-12814 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water right evidenced by Certificate 74145 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.
3. The proposed changes in place of use as proposed in Transfer Application T-12814 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.
4. The place of use from which the water right is removed by T-12814 shall no longer be irrigated under the transferred rights.
5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. A Claim of Beneficial Use shall be submitted by SID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. Water right Certificate 74145 is modified. The Department will issue a superseding certificate describing the right when it determines it is necessary for record keeping.

Signed at Salem, Oregon _____ APR 25 2018 _____



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: _____ APR 26 2018 _____