

**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-14582, 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 July 17, 2025, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-14582 satisfying the requirements for providing proof of use under OAR 690-380-6030.
2. On August 27, 2025, the Department signed a final order, which was mailed on August 28, 2025, and recorded in Special Order Volume 135, Pages 428-431, approving Transfer Application T-14582 involving Certificate 74145. The final order established October 1, 2026, as the date for completion of the authorized changes in place of use.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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-14582.
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 by the Final Order for Transfer Application T-14582, and as recorded in Special Order Volume 135, Pages 428-431 is shown in Table 1, below:

Table 1:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
16 S	12 E	WM	29	SE SE	0.41	01202	MARILDA HERNANDEZ CHUNG	2024-04
16 S	12 E	WM	29	SE SE	0.19	01203	MARILDA HERNANDEZ CHUNG	2024-04
16 S	12 E	WM	33	NE NW	0.18	00800	IAN BERG & LISA AARTSEN- BERG	2024-05
16 S	12 E	WM	33	NW NW	0.92	00800	IAN BERG & LISA AARTSEN- BERG	2024-05
17 S	12 E	WM	4	SW NE	0.10	00212	DENNIS SAYLOR & ANGELICA BIERNAT	2024-06
17 S	12 E	WM	4	NE NW	0.06	00212	DENNIS SAYLOR & ANGELICA BIERNAT	2024-06
17 S	12 E	WM	4	SE NW	0.48	00212	DENNIS SAYLOR & ANGELICA BIERNAT	2024-06
17 S	12 E	WM	5	SW NW	0.68	01800	LUKE & ANNA SCARPULLA	2024-03
TOTAL					3.02			

¹ Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

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-14582 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 Table 1, above.
3. The applicant has demonstrated proof of completion under T-14582 to the satisfaction of the Department.

4. The Department is authorized to issue or modify certificates of water rights involved in Transfer T-14582 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 issued superseding Certificate 98289 on May 9, 2025, which incorporated the proposed place of use change in T-14582.

Signed at Salem, Oregon on **AUGUST 27, 2025**.



Lisa J. Jaramillo
Transfer and Conservation Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

Mailing Date: **SEPTEMBER 2, 2025**