

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN PLACE OF USE  
IN AN IRRIGATION DISTRICT

Pursuant to ORS 540.580 (District transfer of place of use of water within district), after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7895 submitted by

**SWALLEY IRRIGATION DISTRICT  
PO BOX 5126  
BEND, OR 97708-5126**

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County as evidenced by portions of Certificate 74145. The decree is recorded in the Order Record of the Water Resources Director in Volume 12 at Page 282 and Volume 16 at Pages 148 and 196. The date of priority is September 1, 1899.

The right allows the use of the Deschutes River, a tributary of the Columbia River, for irrigating 9.4 acres.

The District requests to move the rights listed in Table A to locations listed in Table B.

**TABLE A - DESCHUTES RIVER.**

TWN	RNG	SEC	QTR	QTR	T L	AC	OWNER
16S	12E	15	NE $\frac{1}{4}$	NE $\frac{1}{4}$	200	0.8	MARK GRAHAM
16S	12E	15	SE $\frac{1}{4}$	NE $\frac{1}{4}$	200	0.4	MARK GRAHAM
17S	12E	28	NE $\frac{1}{4}$	NW $\frac{1}{4}$	300	2.3	HIGH DESERT PARK
17S	12E	28	NE $\frac{1}{4}$	NW $\frac{1}{4}$	301	0.1	HIGH DESERT PARK
17S	12E	28	NW $\frac{1}{4}$	NE $\frac{1}{4}$	300	2.8	HIGH DESERT PARK
17S	12E	17	NW $\frac{1}{4}$	SE $\frac{1}{4}$	500	3.0	DAN KIESOW
						Total	9.4

**TABLE B - DESCHUTES RIVER.**

TWN	RNG	SEC	QTR	QTR	T L	AC	OWNER
16S	12E	15	NE $\frac{1}{4}$	NE $\frac{1}{4}$	100	0.7	MARK GRAHAM
16S	12E	15	SE $\frac{1}{4}$	NE $\frac{1}{4}$	100	0.5	MARK GRAHAM
17S	12E	08	NE $\frac{1}{4}$	SE $\frac{1}{4}$	200	5.2	STEVEN WHITNEY
17S	12E	05	SW $\frac{1}{4}$	NE $\frac{1}{4}$	2402	3.0	JOHN MILTON
						Total	9.4

T-7895.sms

Special Order Volume 52, Page 1106

Canceled Sp.Or.Vol. 53 P. 1313

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the certificates. Therefore, These changes to an existing district water right may be made subject to the following conditions:

1. The proposed change shall be completed on or before October 1, 1999.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by SWALLEY IRRIGATION DISTRICT, on or before October 1, 2000.

Furthermore,

4. Except as modified herein, all other conditions and restrictions of Certificate 74145 remain in effect.
5. When the Director determines that it is necessary, or to facilitate records keeping, a new certificate will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

WITNESS the signature of the Water Resources Director, affixed 12/17/98.

  
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Martha O. Pagel, Director