

**STATE OF OREGON**

**COUNTY OF DESCHUTES**

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

Pursuant to ORS 540.580, 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 9039 submitted by

SWALLEY IRRIGATION DISTRICT  
P.O. BOX 5126  
BEND, OREGON 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. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for the IRRIGATION of 13.0 ACRES.

The authorized places of use are located as follows:

TWP	RNG	SEC	QTR/QTR	TL	AC	APPLICANT	DIST #
15S	12E	35	SE¼ SE¼	100	9.00	WRIGHT, EDWARD	N-36
15S	12E	36	SW¼ SW¼	100	1.00	WRIGHT, EDWARD	N-36
16S	12E	12	NE¼ NW¼	300	3.00	NEWMAN, JOHN	N-37

**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 183.484. 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

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 decree.

The applicant proposes to change the places of use to:

TWP	RNG	SEC	QTR/QTR	TL	AC	RECIPIENT	DIST #
16S	12E	11	SW¼ SW¼	600	10.00	GILLETTE, JOHN	N-36
16S	12E	11	SW¼ SW¼	600	3.00	GILLETTE, JOHN	N-37

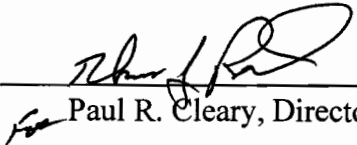
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2003.
2. The former places 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, 2004.

Except as modified herein, all other conditions and restrictions on Certificate 74145 remain in effect.

When the Director determines that it is necessary, or to facilitate records keeping, new certificates 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           MAY 31 2002          .

  
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Paul R. Cleary, Director