

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN USE AND PLACE OF USE

Pursuant to ORS 540.510 to 540.530, 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 8769 submitted by

DESCHUTES COUNTY  
c/o GEORGE KOLB  
61150 SE 27TH STREET  
BEND, OREGON 97702.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by a PORTION 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 396. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of the DESCHUTES RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 1.17 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 cubic foot per second, if available at the authorized point of diversion:

**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.

SWALLEY CANAL - SE¼ NE¼, SECTION 29, T 17 S, R 12 E, W.M.; 985 FEET NORTH AND 617 FEET WEST FROM THE E¼ CORNER, SECTION 29, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to a diversion of not to exceed the quantity determined by decree of the Circuit Court for Deschutes County, dated March 24, 1933, being:

April 1 to May 1 and Oct. 1 to Nov. 1	1 cfs to 83.0 acres
May 1 to May 15 and Sept. 15 to Oct. 1	1 cfs to 62.0 acres
May 15 to Sept. 15	1 cfs to 33.45 acres

for each acre irrigated from the Swalley Canal during the irrigation season of each year, not to exceed 9.58 acre-feet for each acre irrigated during the irrigation season as measured at the diversion from the source.

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal.

The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates without the 43% transmission loss allowed by the March, 24, 1933 decree, and shall not exceed 5.46 acre-feet for each acre irrigated during the irrigation season.

The authorized place of use is located as follows:

SW¼ SW¼            1.0 ACRE  
SECTION 22

NE¼ NW¼            0.17 ACRE  
SECTION 28

TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

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 character of use from IRRIGATION to 1.17 ACRES-EQUIVALENT FOR INDUSTRIAL USE.

The applicant further proposes to change the place of use to:

SE $\frac{1}{4}$  NE $\frac{1}{4}$             1.17 ACRES  
SECTION 29  
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

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

1. The proposed change shall be completed on or before October 1, 2003.
2. The amount of water to be used for industrial purposes is as follows:

April 1 to May 1 and Oct. 1 to Nov. 1	0.014 cfs
May 1 to May 15 and Sept. 15 to Oct. 1	0.019 cfs
May 15 to Sept. 15	0.035 cfs

not to exceed 11.21 acre-feet during the irrigation season, being April 1 through November 1, as measured at the diversion from the source.

3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

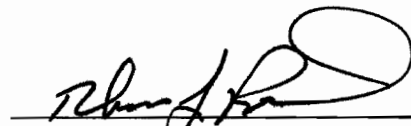
4. The former place of use shall no longer be irrigated as a part of this water right.

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, a new certificate will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm those portions of the right not modified by this or any other order.

WITNESS the signature of the Water Resources

Director, affixed SEP 05 2002.

  
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Paul R. Cleary, Director