

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11511, Deschutes County) DISTRICT PERMANENT TRANSFER

Authority

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
BEND, OR 97701

Findings of Fact

1. On December 24, 2012, Swalley Irrigation District (SID) filed a district transfer application to permanently change the place of use under Certificate 74145. The Department assigned the application number T-11511.
2. Notice of the application for transfer was published on January 8, 2013, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On February 27, 2013, amendments clarifying the authorized and proposed place of use as well as related amended maps were received by the Department.
4. The portion of the right to be transferred is as follows:

Certificate: 74145, SWALLEY IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)

Use: IRRIGATION of 50.63 acres

Priority Date: SEPTEMBER 1, 1899

Authorized Points 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 S feet west from the E1/4 corner of Section 29

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 137-004-0080, you may 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.

Authorized Places of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
16 S	12 E	WM	14	NW NE	0.28	00600	Thompson	2012.02
16 S	12 E	WM	20	SW NE	0.36	00701	Johnson	2008.05
16 S	12 E	WM	20	SW NE	0.21	00800	Johnson	2008.05
16 S	12 E	WM	21	NE NW	0.04	00200	Tillman	2012.09
16 S	12 E	WM	21	NW NE	0.30	00200	Tillman	2012.09
16 S	12 E	WM	21	NW NW	0.23	00200	Tillman	2012.09
16 S	12 E	WM	21	SE NW	0.15	00200	Tillman	2012.09
16 S	12 E	WM	21	SW NW	0.04	00200	Tillman	2012.09
16 S	12 E	WM	29	NW NE	1.11	00306	SID	2012.02/583
16 S	12 E	WM	29	SE SE	0.27	01200	Marshall	2008.06
16 S	12 E	WM	32	NE NE	0.33	00304	Barton	2009.03
16 S	12 E	WM	32	NW NW	0.40	00304	Barton	2009.03
17 S	12 E	WM	8	NW SE	1.20	01100	SID	2012.04/803
17 S	12 E	WM	8	NW SE	0.10	02200	SID	2010.01/1175
17 S	12 E	WM	8	NW SW	0.50	01200	SID	2012.07/1335
17 S	12 E	WM	8	SW SE	0.34	00900	SID	2009.02/1299
17 S	12 E	WM	8	SW SE	2.50	00900	SID	2009.01/1328
17 S	12 E	WM	8	SW SE	0.80	01100	SID	2012.04/803
17 S	12 E	WM	8	SW SE	1.90	02200	SID	2010.11/1175
17 S	12 E	WM	8	SW SE	3.50	02300	SID	2012.03/487
17 S	12 E	WM	9	NE NW	0.65	00500	SID	2012.07/1341
17 S	12 E	WM	9	SE NW	0.75	00500	SID	2012.07/1341
17 S	12 E	WM	9	SW SE	0.25	02100	SID	2009.01/957
17 S	12 E	WM	9	SW SE	0.25	02300	SID	2012.07/623
17 S	12 E	WM	9	SW SE	0.10	02500	SID	2012.07/795
17 S	12 E	WM	9	SW SE	0.10	02600	SID	2009.04/68
17 S	12 E	WM	9	SW SW	5.30	00300	SID	2009.04/835
17 S	12 E	WM	16	NE NE	1.70	03500	SID	2008.02/1085
17 S	12 E	WM	16	NE NW	0.60	00200	SID	2012.04/851
17 S	12 E	WM	16	NW SE	0.25	00500	SID	2009.02/178
17 S	12 E	WM	16	NW SE	1.25	00500	SID	2009.02/178
17 S	12 E	WM	16	SE NE	0.30	03500	SID	2008.02/1085
17 S	12 E	WM	16	SE SW	0.50	01900	SID	2012.05/1211
17 S	12 E	WM	16	SW NE	0.30	00400	SID	2009.02/178
17 S	12 E	WM	17	NW SE	2.00	00100	SID	2008.04/410
17 S	12 E	WM	17	NW SE	2.00	01200	SID	1350
17 S	12 E	WM	17	SW NW	2.00	01500	SID	2012.01/884
17 S	12 E	WM	20	NW NE	6.50	00200	McAlister	2007.02
17 S	12 E	WM	20	NW NE	1.00	00300	SID	2012.02/957
17 S	12 E	WM	20	NW NE	2.00	00300	SID	2012.01/957
17 S	12 E	WM	20	NW NE	1.00	01400	SID	2008.01/688
17 S	12 E	WM	20	SE NE	1.50	00901	SID	1266
17 S	12 E	WM	20	SE NE	0.50	00800	SID	1266
16 S	12 E	WM	28	NE NW	3.50	00803	Brant	2009.03
17 S	12 E	WM	28	NE NW	0.15	00900	SID	2012.04/776
17 S	12 E	WM	28	NE NW	0.50	00900	SID	2012.08/776
17 S	12 E	WM	28	SW SE	0.50	00900	SID	776
17 S	12 E	WM	20	NW NE	0.62	00200	McAlister	2007.03
Total:					50.63			

5. Transfer Application T-11511 proposes to change the places of use to:

Proposed Places of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
15 S	12 E	WM	36	NE SW	0.90	00100	Christianson	2012.05
15 S	12 E	WM	36	SE NW	0.10	00100	Christianson	2012.05
16 S	12 E	WM	14	NW NE	2.00	00600	Thompson	2009.02
16 S	12 E	WM	14	NW NE	0.28	00600	Thompson	2009.02
16 S	12 E	WM	14	NW NW	2.00	00800	Gunnels	2008.03
16 S	12 E	WM	21	NW NE	1.62	00200	Tillman	2008.02
16 S	12 E	WM	21	NW NW	0.38	00200	Tillman	2008.02
16 S	12 E	WM	27	SE SW	0.50	01700	Due	2012.02
16 S	12 E	WM	27	SE SW	0.50	01800	Due	2012.02
16 S	12 E	WM	27	SE NW	2.00	10001	Hickey	2008.04
16 S	12 E	WM	28	SE NW	1.00	00304	Ott	2008.01
16 S	12 E	WM	28	NE NW	3.50	00803	Vergent, LLC	2012.03
16 S	12 E	WM	29	NE NW	1.25	00100	Graves	2007.01
17 S	12 E	WM	4	SE NW	2.00	00206	Page	2012.06
17 S	12 E	WM	4	NE NW	2.00	00223	Crenshaw	2012.01
17 S	12 E	WM	5	SE SW	2.00	00600	Pederson	2010.01
17 S	12 E	WM	7	NE NE	0.79	00100	Gisler	2009.04
17 S	12 E	WM	7	SE NE	4.61	00100	Gisler	2009.04
17 S	12 E	WM	9	SW NE	4.75	02401	Daniel	2012.04
17 S	12 E	WM	17	NW SW	0.50	00704	Spalding	2012.08
17 S	12 E	WM	21	NW NW	2.75	01301	Larocco	2009.01
17 S	12 E	WM	22	NE SE	0.02	02700	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.04	02700	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.30	03000	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.08	03000	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.50	03100	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.04	03100	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.06	03200	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.08	03200	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.24	03301	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.14	03313	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.05	03315	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.09	03315	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.10	03321	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.07	03400	Stonebrook	2012.07
17 S	12 E	WM	22	NE SE	0.07	04600	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.30	04600	Stonebrook	2012.07
17 S	12 E	WM	22	NW SE	0.07	04700	Stonebrook	2012.07
16 S	12 E	WM	28	NE NW	3.50	00800	Brant	2009.03
17 S	12 E	WM	7	NE NE	2.51	00100	Gisler	2007.02
17 S	12 E	WM	7	SE NE	3.99	00100	Gisler	2007.02
16 S	12 E	WM	29	SE SE	0.27	01200	Marshall	2008.04
16 S	12 E	WM	20	SW NE	0.36	00701	Johnson	2011.05
16 S	12 E	WM	20	SW NE	0.21	00800	Johnson	2011.05
16 S	12 E	WM	32	NW NW	0.16	00304	Barton	2011.04
16 S	12 E	WM	32	NE NE	0.57	00304	Barton	2011.04
16 S	12 E	WM	21	NW NW	0.58	00200	Tillman	2012.09
16 S	12 E	WM	21	NE NW	0.18	00200	Tillman	2012.09
17 S	12 E	WM	20	NW NE	0.62	00200	McAlister	2007.03
Total:					50.63			

6. The district permanent transfer application satisfies the criteria of OAR 690-385-4000 contains the information required under OAR 690-385-2000 and includes maps meeting the requirements of OAR 690-385-2200.
7. The water rights are subject to transfer as defined in OAR 690-385-0100.
8. The proposed change in places of use will not result in enlargement of the right.
9. The proposed change in places of use will not result in injury to other water rights.

Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-11511 satisfy the requirements of ORS 540.574(3) and 540.580.

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 described and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.
3. The former places of use shall no longer be irrigated as part of this water right.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2014**. 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.
6. Water right certificate 74145 is modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 4th day of March, 2013.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: MAR 7 2013