

Oregon Water Resources Department
 721 Summer Street NE, Suite A
 Salem, OR 97301-1271

**OAR Chapter 690, Division 385
 District Temporary Transfer Application
 EMERGENCY CHANGE IN POINT OF
 DIVERSION**

District : Swalley Irrigation District

Contact Person: Jan Lee, General Manager Phone: 541-388-0658

Mailing Address: 64672 Cook Avenue, Suite 1, Bend, Oregon 97701

I. Pursuant to ORS 540.570 and OAR Chapter 690, Division 385, the district proposes to temporarily change the point(s) of diversion for the following water rights in response to an emergency:

WATER RIGHT			
PERMIT NUMBER	CERTIFICATE NUMBER	DECREE (name, volume, and page)	PRIMARY (P) or SUPP (S)
	74145	Swalley Irrigation District	Primary
		Vol. 12, pg. 282; vol. 16, pgs. 148 & 396	

II. The authorized point(s) of diversion for the water right proposed for transfer are as follows:

POINT(S) OF DIVERSION / APPROPRIATION				
PERMIT	DECREE or CERTIFICATE	POD#	SOURCE	LOCATION - LEGAL DESCRIPTION
	74145	3	Deschutes R.	NORTH CANAL DAM: SE ¼, NE ¼, Sec. 29, T 17S, Range 12 E., W.M.; 985' N. AND 617' WEST FROM THE E. ¼ OF SECTION 29
	in the name of			
	Swalley I.D.			Priority: 9/1/1899 Primary Right

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III. The district proposes to change the point(s) of diversion from the authorized location to the following location(s)

POINT(S) OF DIVERSION / APPROPRIATION				
PERMIT	DECREE or CERTIFICATE	POD#	SOURCE	LOCATION - LEGAL DESCRIPTION
	83571 (P)	11	Deschutes R.	NORTH CANAL DAM: SE ¼ NE ¼ SEC. 29, T. 17 S., R. 12 E., W.M.; 850' N. AND 630' W. FROM THE E ¼ CORNER OF SEC. 29
				October 31, 1900 and December 2, 1907 Priorities
				Primary Rights
				Central Oregon Irrigation District

IV. Enclosed is a map for the proposed change in point of diversion meeting the standards of OAR Chapter 690, Division 385. (Attached: map of diversion points)

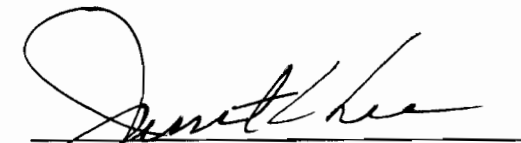
V. The water right proposed for transfer is a water right subject to transfer and has not been forfeited for nonuse under ORS 540.610.

VI. Attached is a list, including contact names and phone numbers, of appropriate state agencies and local and tribal governments the district consulted with about the temporary change in point of diversion. (See explanation)

VII. The district recognizes that the Department may condition or restrict the transfer at any time to the extent necessary to avoid injury to an existing water right.

VIII. Enclosed is the application fee in the amount of: \$ 920.00 .

I certify that the information contained in this district permanent transfer application is true and accurate.



 Signature of District Manager
 or Authorized Representative

June 11, 2008

 Date

Janet L. Lee, General Manager

Typed Name of District Manager
 or Authorized Representative

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LOCATION OF POINTS OF DIVERSION

The district wishes to move up to 10 cubic feet per second from its point of diversion at North Canal Dam for Swalley's Main Canal to an adjoining point of diversion at North Canal Dam which provides for the intake of the Central Oregon Irrigation District Main Canal.

AUTHORIZATION

The district has secured the permission of Manager Steve Johnson of Central Oregon Irrigation District. (541-648-5047 Central Oregon Irrigation District)

Swalley has reviewed the request with Watermaster Jeremy Giffin and Regional Manager Kyle Gorman of the Bend Regional Office. Both districts share the North Canal Dam point of diversion and have similar priority dates as the oldest district rights in the Middle Deschutes River.

Deschutes County Commissioners have approved the district accessing county property to connect the two canals as part of a temporary lease provision as of June 11, 2009. (Contact Teresa Rozic, Deschutes County Property Manager, 541-385-1414)

Mr. Ronald Garzini, property manager of the City of Bend, has approved the district accessing the city's property for connection of the canals, per approval of June 10, 2008. (Contact Ron Garzini, Property Manager, Juniper Ridge - Bend 541-693-2100)

PURPOSE

Swalley Irrigation District installed 2.7 miles of pipeline between November 2007 and April 2008. Due to a delay, the district was unable to pipe the remaining 2.4 miles of canal. The delay occurred outside the control of the district. The district had asked the federal court for a declaration that it could pipe the open canal under its 1891 federal Right-of-Way. The court approved the piping, but some landowners holding property adjoining the canal to be piped filed numerous interventions and delayed the final order from September of 2007 to February of 2008, at which time the district was able to begin piping. The district had to discontinue piping at the end of April to allow for irrigation water delivery as provided by law. The entire 5.1 mile pipeline began with a 54" pipe, narrowing to a 48" pipe. Because the district had to stop construction at the 48" pipe, the amount of water that could be drawn into the pipe was limited to that capacity.

The district was operating at 60% of capacity and then built a berm around the inlet to the pipe that allowed it to achieve 75% capacity. However, the capacity was workable due to cool weather experienced over the past 6 weeks. When the temperatures rise to the higher 80s and low 90s, then the district will be short by 10 cfs to meet an 80% capacity. The district can operate at 80% given past flow experiences. Without the change in the point of diversion, the district will not be able to deliver adequate water supply to its agricultural lands.

EXCHANGE

Swalley will cut back its withdrawal at its own point of diversion by 10 cfs and instead allows Central Oregon Irrigation District (COID) withdraw 10 cfs into its Main Canal for Swalley's use. The COID canal has capacity to allow that exchange. Water will be carried out in the Main Canal of COID to a point where that canal and Swalley's Main Canal are approximately 1500 feet apart (at Fort Thompson Lane, about 2.5 miles west

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of Bend, alongside Highway 97. A map of the two canals and the proposed linkage is attached.

Swalley will install a customized pump within COID's canal per approval of COID. There will then be an aluminum pipe, 18" in diameter, attached to the pump. The pipe will pass Swalleys new installed pipeline and enter Swalley's Main Canal at the end of the pipeline. Water will then be carried in the open canal for the rest of the 7 mile length of Swalley's Main Canal and 4 adjoining laterals to serve the more rural lands of the district.

A measurement valve will be attached to the pipe for flow control and measurement.

It is not necessary to screen the pump because both Swalley and COID have installed state-of-the-art fishscreens at their diversion points as approved in 2005 by the Oregon Department of Fish and Wildlife.

No agency permits are required as there is no effect on fish or wildlife and no effect on other natural resource features. There is no work required in the river. The change in the point of diversion is merely a change between two existing points at the same dam.

PERIOD OF DIVERSION

The district will only require the change in point of diversion from June 21, 2008, to September 14, 2008, or 86 days of the irrigation season. After September 14th, the district cuts back its water right to the certificated amount for season 3 of its right and does not need the additional flow. The additional flow is only required in season 2 (May 15 – September 14), but just the portion of season two that will now occur (June 21 – September 14).

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