

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10975, Deschutes County) DISTRICT PERMANENT TRANSFER

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

TUMALO IRRIGATION DISTRICT
64697 COOK AVE.
BEND, OR 97701

Findings of Fact

1. On November 16, 2009, Tumalo Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74146, 74147, 74148, 74149, 76106, and 76520. The Department assigned the application number T-10975.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:

Certificate: 74146, issued in the name of Tumalo Irrigation District

Use: Irrigation of 25.81 acres

Priority Date: August 5, 1900, September 1900, April 28, 1905, May 27, 1907, and June 1, 1907.

Rate & Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SEVENTIETH (1/70) of one cubic foot per second (or its equivalent) and 1.8 acre-feet, measured at or within one-half mile of the land to be irrigated, for each acre irrigated during the irrigation season of each year.

Source: Tumalo Creek, tributary to the Deschutes River.

Authorized Place of Use:

| Priority Date | Twp | Rng | Mer | Sec | Q – Q | Tax Lot | User | Acres | Notice # |
|---------------|------|------|-----|-----|-------|---------|------------|-------|----------|
| 09-1900 | 16 S | 11 E | WM | 12 | SE NW | 401 | JOHNSON | 1.00 | 09.003 |
| 09-1900 | 16 S | 11 E | WM | 12 | SE NW | 401 | JOHNSON | 1.00 | 09.008 |
| 09-1900 | 16 S | 11 E | WM | 12 | SE NW | 400 | FARLEY | 0.14 | 09.009 |
| 09-1900 | 16 S | 11 E | WM | 22 | SE SW | 2503 | MEREDITH | 2.00 | 09.006 |
| 09-1900 | 16 S | 11 E | WM | 22 | SE SW | 2502 | TCHALEMIAN | 5.00 | 09.011 |

| Priority Date | Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
|---------------|------|------|-----|-----|-------|---------|-----------------|--------------|----------|
| 09-1900 | 16 S | 11 E | WM | 22 | SW SW | 2401 | DEUTSCHE BANK | 3.00 | 09.002 |
| 09-1900 | 16 S | 11 E | WM | 24 | SW SE | 2300 | DUBLIN | 5.00 | 09.001 |
| 09-1900 | 16 S | 12 E | WM | 8 | SE NW | 700 | SNYDER | 0.40 | 09.012 |
| 09-1900 | 16 S | 12 E | WM | 8 | SW NW | 700 | SNYDER | 0.60 | 09.012 |
| 06-01-1907 | 16 S | 12 E | WM | 17 | NE SE | 2502 | HUFF REV. TRUST | 0.50 | 09.004 |
| 09-1900 | 16 S | 12 E | WM | 18 | SW NE | 501 | HUSON-BRAUN | 2.35 | 09.013 |
| 09-1900 | 16 S | 12 E | WM | 18 | SW NE | 502 | HUSON-BRAUN | 1.65 | 09.013 |
| 09-1900 | 16 S | 12 E | WM | 19 | SW NE | 3000 | KOCHAN | 2.00 | 09.005 |
| 09-1900 | 16 S | 12 E | WM | 19 | SE NE | 1800 | KING | 1.17 | 09.014 |
| Total: | | | | | | | | 25.81 | |

4. Transfer Application T-10975 proposes to change the place of use to:

| Priority Date | Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
|---------------|------|-----|-----|-----|-------|---------|---------------------|--------------|----------|
| 09-1900 | 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 2.00 | 09.006 |
| 09-1900 | 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 1.00 | 09.008 |
| 09-1900 | 16 S | 12E | WM | 12 | SE NW | 400 | FARLEY | 0.14 | 09.009 |
| 09-1900 | 16 S | 11E | WM | 12 | SW SE | 1100 | WINCH | 1.00 | 09.003 |
| 09-1900 | 16 S | 11E | WM | 22 | NE NE | 101 | DAY | 3.00 | 09.002 |
| 09-1900 | 16 S | 11E | WM | 22 | SW SW | 2401 | HUNT | 1.00 | 09.012 |
| 09-1900 | 16S | 12E | WM | 8 | SE NW | 703 | JEWETT FAMILY TRUST | 4.69 | 09.001 |
| 09-1900 | 16S | 12E | WM | 8 | SE NW | 704 | JEWETT FAMILY TRUST | 0.31 | 09.001 |
| 09-1900 | 16 S | 12E | WM | 9 | SW NW | 501 | MCELWEE | 2.00 | 09.005 |
| 06-01-1907 | 16 S | 12E | WM | 17 | SE SE | 2502 | HUFF REV. TRUST | 0.39 | 09.004 |
| 06-01-1907 | 16S | 12E | WM | 17 | SW SE | 2502 | HUFF REV. TRUST | 0.11 | 09.004 |
| 09-1900 | 16 S | 12E | WM | 19 | SE SW | 1900 | DLMM PROPERTIES | 1.44 | 09.011 |
| 09-1900 | 16 S | 12E | WM | 19 | SW SE | 2400 | DLMM PROPERTIES | 3.56 | 09.011 |
| 09-1900 | 16 S | 12E | WM | 19 | SW SE | 2400 | DLMM PROPERTIES | 2.96 | 09.013 |
| 09-1900 | 16 S | 12E | WM | 19 | SE SE | 2400 | DLMM PROPERTIES | 1.04 | 09.013 |
| 09-1900 | 16 S | 12E | WM | 19 | SE NE | 1800 | KING | 1.17 | 09.014 |
| Total: | | | | | | | | 25.81 | |

5. The portion of the second right to be transferred is as follows:

Certificate: 74147, issued in the name of Tumalo Irrigation District

Use: Irrigation of 0.20 acre and supplemental irrigation of 32.57 acres

Priority Date: October 29, 1913

Rate & Duty: Apr 1 to May 1 and Oct 1 to Nov 1 -1/80 cfs per acre

May 1 to May 15 and Sep 15 to Oct 1 -1/60 cfs

May 15 to Sep 15 1/32.4cfs, and 9.91 acre-feet per acre during the irrigation season of each year.

Source: Tumalo Creek, Crater Creek, Little Crater Creek and Three Springs Creek, tributaries of the Deschutes River.

Authorized Place of Use:

| Irrigation | | | | | | | | |
|------------|-----|-----|-----|-------|---------|------|-------|----------|
| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
| 16 S | 12E | Wm | 8 | SW NW | 500 | SHEY | 0.20 | 09.007 |

| Supplemental Irrigation | | | | | | | | |
|-------------------------|------|-----|-----|-------|---------|-------------------|--------------|----------|
| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
| 16 S | 11 E | WM | 12 | SE NW | 401 | JOHNSON | 1.00 | 09.003 |
| 16 S | 11 E | WM | 12 | SE NW | 401 | JOHNSON | 1.00 | 09.008 |
| 16 S | 11 E | WM | 12 | SE NW | 400 | FARLEY | 0.14 | 09.009 |
| 16 S | 11 E | WM | 22 | SE SW | 2503 | MEREDITH | 2.00 | 09.006 |
| 16 S | 11 E | WM | 22 | SE SW | 2502 | TCHALEMIAN | 5.00 | 09.011 |
| 16 S | 11 E | WM | 22 | SW SW | 2401 | DEUTSCHE BANK | 3.00 | 09.002 |
| 16 S | 11 E | WM | 24 | SW SE | 2300 | DUBLIN | 5.00 | 09.001 |
| 16 S | 12 E | WM | 8 | SW NW | 500 | SHEY | 1.80 | 09.007 |
| 16 S | 12 E | WM | 8 | SE NW | 700 | SNYDER | 0.40 | 09.012 |
| 16 S | 12 E | WM | 8 | SW NW | 700 | SNYDER | 0.60 | 09.012 |
| 16 S | 12 E | WM | 17 | NE SE | 2502 | HUFF REV. TRUST | 0.50 | 09.004 |
| 16 S | 12 E | WM | 18 | SW NE | 501 | HUSON-BRAUN | 2.35 | 09.013 |
| 16 S | 12 E | WM | 18 | SW NE | 502 | HUSON-BRAUN | 1.65 | 09.013 |
| 16 S | 12 E | WM | 19 | SW NE | 3000 | KOCHAN | 2.00 | 09.005 |
| 16 S | 12 E | WM | 19 | SE NE | 1800 | KING | 1.17 | 09.014 |
| 17 S | 11 E | WM | 12 | SW SW | 800 | JOYCE COATS TRUST | 4.96 | 09.010 |
| Total: | | | | | | | 32.57 | |

6. Transfer Application T-10975 proposes to change the place of use to:

| Irrigation | | | | | | | | |
|------------|-----|-----|-----|-------|---------|--------|-------|----------|
| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 0.20 | 09.007 |

| Supplemental Irrigation | | | | | | | | |
|-------------------------|-----|-----|-----|-------|---------|---------------------|--------------|----------|
| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 2.00 | 09.006 |
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 1.00 | 09.008 |
| 16 S | 12E | WM | 12 | SE NW | 400 | FARLEY | 0.14 | 09.009 |
| 16 S | 11E | WM | 12 | SW SE | 1100 | WINCH | 1.00 | 09.003 |
| 16 S | 11E | WM | 22 | NENE | 101 | DAY | 3.00 | 09.002 |
| 16 S | 11E | WM | 22 | SW SW | 2401 | HUNT | 1.00 | 09.012 |
| 16S | 12E | WM | 8 | SE NW | 703 | JEWETT FAMILY TRUST | 4.69 | 09.001 |
| 16S | 12E | WM | 8 | SE NW | 704 | JEWETT FAMILY TRUST | 0.31 | 09.001 |
| 16 S | 12E | WM | 9 | SW NW | 501 | MCELWEE | 2.00 | 09.005 |
| 16 S | 12E | WM | 17 | SE SE | 2502 | HUFF REV. TRUST | 0.39 | 09.004 |
| 16S | 12E | WM | 17 | SW SE | 2502 | HUFF REV. TRUST | 0.11 | 09.004 |
| 16 S | 12E | WM | 19 | SE SW | 1900 | DLMM PROPERTIES | 1.44 | 09.011 |
| 16 S | 12E | WM | 19 | SW SE | 2400 | DLMM PROPERTIES | 3.56 | 09.011 |
| 16 S | 12E | WM | 19 | SW SE | 2400 | DLMM PROPERTIES | 2.96 | 09.013 |
| 16 S | 12E | WM | 19 | SE SE | 2400 | DLMM PROPERTIES | 1.04 | 09.013 |
| 16 S | 12E | WM | 19 | SE NE | 1800 | KING | 1.17 | 09.014 |
| 16 S | 12E | WM | 8 | SW NW | 500 | SHEY | 1.80 | 09.007 |
| 17 S | 11E | WM | 12 | SW SW | 800 | JOYCE COATS TRUST | 4.96 | 09.010 |
| Total: | | | | | | | 32.57 | |

7. The portion of the third right to be transferred is as follows:

Certificate: 76106, issued in the name of Tumalo Irrigation District

Use: Irrigation of 6.76 acres

Priority Date: December 8, 1961

Rate & Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-SEVENTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from Upper Tumalo Reservoir constructed under Permit R-2743.

Source: Tumalo Creek and Upper Tumalo Reservoir, tributaries of the Deschutes River.

Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
|---------------|-----|-----|-----|-------|---------|-------------------|-------------|----------|
| 16 S | 12E | WM | 8 | SW NW | 500 | SHEY | 1.80 | 09.007 |
| 17 S | 11E | WM | 12 | SW SW | 800 | JOYCE COATS TRUST | 4.96 | 09.010 |
| Total: | | | | | | | 6.76 | |

8. Transfer Application T-10975 proposes to change the place of use to:

| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
|------|-----|-----|-----|-------|---------|-------------------|-------|----------|
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 1.80 | 09.007 |
| 17 S | 11E | WM | 13 | NW NE | 804 | JOYCE COATS TRUST | 0.23 | 09.010 |
| 17 S | 11E | WM | 13 | NW NE | 807 | JOYCE COATS TRUST | 3.80 | 09.010 |

| | | | | | | | | |
|---------------|-----|----|----|-------|-----|-------------------|-------------|--------|
| 17 S | 11E | WM | 13 | SW NE | 807 | JOYCE COATS TRUST | 0.93 | 09.010 |
| Total: | | | | | | | 6.76 | |

9. The portion of the fourth right to be transferred is as follows:

Certificate: 74149, issued in the name of Tumalo Irrigation District

Use: Supplemental Irrigation of 32.77 acres

Priority Date: 1905

Rate/Duty/Season: Maximum of 9.5 acre-feet per acre during the irrigation season from April 1 to November 1

Source: Deschutes River, a tributary of the Columbia River.

Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q – Q | Tax Lot | User | Acres | Notice # |
|---------------|------|-----|-----|-------|---------|-------------------|--------------|----------|
| 16 S | 11 E | WM | 12 | SE NW | 401 | JOHNSON | 1.00 | 09.003 |
| 16 S | 11 E | WM | 12 | SE NW | 401 | JOHNSON | 1.00 | 09.008 |
| 16 S | 11 E | WM | 12 | SE NW | 400 | FARLEY | 0.14 | 09.009 |
| 16 S | 11 E | WM | 22 | SE SW | 2503 | MEREDITH | 2.00 | 09.006 |
| 16 S | 11 E | WM | 22 | SE SW | 2502 | TCHALEMIAN | 5.00 | 09.011 |
| 16 S | 11 E | WM | 22 | SW SW | 2401 | DEUTSCHE BANK | 3.00 | 09.002 |
| 16 S | 11 E | WM | 24 | SW SE | 2300 | DUBLIN | 5.00 | 09.001 |
| 16 S | 12 E | WM | 8 | SW NW | 500 | SHEY | 0.20 | 09.007 |
| 16 S | 12 E | WM | 8 | SW NW | 500 | SHEY | 1.80 | 09.007 |
| 16 S | 12 E | WM | 8 | SE NW | 700 | SNYDER | 0.40 | 09.012 |
| 16 S | 12 E | WM | 8 | SW NW | 700 | SNYDER | 0.60 | 09.012 |
| 16 S | 12 E | WM | 17 | NE SE | 2502 | HUFF REV. TRUST | 0.50 | 09.004 |
| 16 S | 12 E | WM | 18 | SW NE | 501 | HUSON-BRAUN | 2.35 | 09.013 |
| 16 S | 12 E | WM | 18 | SW NE | 502 | HUSON-BRAUN | 1.65 | 09.013 |
| 16 S | 12 E | WM | 19 | SW NE | 3000 | KOCHAN | 2.00 | 09.005 |
| 16 S | 12 E | WM | 19 | SE NE | 1800 | KING | 1.17 | 09.014 |
| 17 S | 11 E | WM | 12 | SW SW | 800 | JOYCE COATS TRUST | 4.96 | 09.010 |
| Total: | | | | | | | 32.77 | |

13. Transfer Application T-10975 proposes to change the place of use to:

| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
|---------------|-----|-----|-----|-------|---------|----------------------|--------------|----------|
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 2.00 | 09.006 |
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 1.00 | 09.008 |
| 16 S | 12E | WM | 12 | SE NW | 400 | FARLEY | 0.14 | 09.009 |
| 16 S | 11E | WM | 12 | SW SE | 1100 | WINCH | 1.00 | 09.003 |
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 0.20 | 09.007 |
| 16 S | 11E | WM | 22 | NENE | 101 | DAY | 3.00 | 09.002 |
| 16 S | 11E | WM | 22 | SW SW | 2401 | HUNT | 1.00 | 09.012 |
| 16S | 12E | WM | 8 | SE NW | 703 | JEWETT FAMILY TRUST | 4.69 | 09.001 |
| 16S | 12E | WM | 8 | SE NW | 704 | JEWETT FAMILY TRUSTt | 0.31 | 09.001 |
| 16 S | 12E | WM | 9 | SW NW | 501 | MCELWEE | 2.00 | 09.005 |
| 16 S | 12E | WM | 17 | SE SE | 2502 | HUFF REV. TRUST | 0.39 | 09.004 |
| 16S | 12E | WM | 17 | SW SE | 2502 | HUFF REV. TRUST | 0.11 | 09.004 |
| 16 S | 12E | WM | 19 | SE SW | 1900 | DLMM PROPERTIES | 1.44 | 09.011 |
| 16 S | 12E | WM | 19 | SW SE | 2400 | DLMM PROPERTIES | 3.56 | 09.011 |
| 16 S | 12E | WM | 19 | SW SE | 2400 | DLMM PROPERTIES | 2.96 | 09.013 |
| 16 S | 12E | WM | 19 | SE SE | 2400 | DLMM PROPERTIES | 1.04 | 09.013 |
| 16 S | 12E | WM | 19 | SE NE | 1800 | KING | 1.17 | 09.014 |
| 16 S | 12E | WM | 8 | SW NW | 500 | SHEY | 1.80 | 09.007 |
| 17 S | 11E | WM | 12 | SW SW | 800 | JOYCE COATS TRUST | 4.96 | 09.010 |
| Total: | | | | | | | 32.77 | |

10. The portion of the fifth right to be transferred is as follows:

Certificate: 74148, issued in the name of Tumalo Irrigation District

Use: Supplemental Irrigation of 32.77 acres

Priority Date: 1905

Rate & Duty: The amount of water sued for irrigation, together with the amount secured under any other right existing for the same lands is limited to a diversion of the following amounts measured at the point of diversion from the Deschutes River for each acre irrigated during the period indicated below during the irrigation season of each year. The right is further limited to a total diversion of not to exceed 35,000 acre-feet during any one irrigation season.

April 1 – May 1 and Oct. 1 – Nov. 1 0.75 acre-feet

May 1 – May 15 and Sept. 15 – Oct. 1 0.50 acre-feet

May 15 – Sept. 15 7.40 acre-feet

Source: Deschutes River, a tributary of the Columbia River.

Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
|------|------|-----|-----|-------|---------|------------|-------|----------|
| 16 S | 11 E | WM | 12 | SE NW | 401 | JOHNSON | 1.00 | 09.003 |
| 16 S | 11 E | WM | 12 | SE NW | 401 | JOHNSON | 1.00 | 09.008 |
| 16 S | 11 E | WM | 12 | SE NW | 400 | FARLEY | 0.14 | 09.009 |
| 16 S | 11 E | WM | 22 | SE SW | 2503 | MEREDITH | 2.00 | 09.006 |
| 16 S | 11 E | WM | 22 | SE SW | 2502 | TCHALEMIAN | 5.00 | 09.011 |

| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
|---------------|------|-----|-----|-------|---------|-------------------|--------------|----------|
| 16 S | 11 E | WM | 22 | SW SW | 2401 | DEUTSCHE BANK | 3.00 | 09.002 |
| 16 S | 11 E | WM | 24 | SW SE | 2300 | DUBLIN | 5.00 | 09.001 |
| 16 S | 12 E | WM | 8 | SW NW | 500 | SHEY | 0.20 | 09.007 |
| 16 S | 12 E | WM | 8 | SW NW | 500 | SHEY | 1.80 | 09.007 |
| 16 S | 12 E | WM | 8 | SE NW | 700 | SNYDER | 0.40 | 09.012 |
| 16 S | 12 E | WM | 8 | SW NW | 700 | SNYDER | 0.60 | 09.012 |
| 16 S | 12 E | WM | 17 | NE SE | 2502 | HUFF REV. TRUST | 0.50 | 09.004 |
| 16 S | 12 E | WM | 18 | SW NE | 501 | HUSON-BRAUN | 2.35 | 09.013 |
| 16 S | 12 E | WM | 18 | SW NE | 502 | HUSON-BRAUN | 1.65 | 09.013 |
| 16 S | 12 E | WM | 19 | SW NE | 3000 | KOCHAN | 2.00 | 09.005 |
| 16 S | 12 E | WM | 19 | SE NE | 1800 | KING | 1.17 | 09.014 |
| 17 S | 11 E | WM | 12 | SW SW | 800 | JOYCE COATS TRUST | 4.96 | 09.010 |
| Total: | | | | | | | 32.77 | |

11. Transfer Application T-10975 proposes to change the place of use to:

| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
|---------------|-----|-----|-----|-------|---------|---------------------|--------------|----------|
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 2.00 | 09.006 |
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 1.00 | 09.008 |
| 16 S | 12E | WM | 12 | SE NW | 400 | FARLEY | 0.14 | 09.009 |
| 16 S | 11E | WM | 12 | SW SE | 1100 | WINCH | 1.00 | 09.003 |
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 0.20 | 09.007 |
| 16 S | 11E | WM | 22 | NE NE | 101 | DAY | 3.00 | 09.002 |
| 16 S | 11E | WM | 22 | SW SW | 2401 | HUNT | 1.00 | 09.012 |
| 16S | 12E | WM | 8 | SE NW | 703 | JEWETT FAMILY TRUST | 4.69 | 09.001 |
| 16S | 12E | WM | 8 | SE NW | 704 | JEWETT FAMILY TRUST | 0.31 | 09.001 |
| 16 S | 12E | WM | 9 | SW NW | 501 | MCELWEE | 2.00 | 09.005 |
| 16 S | 12E | WM | 17 | SE SE | 2502 | HUFF REV. TRUST | 0.39 | 09.004 |
| 16S | 12E | WM | 17 | SW SE | 2502 | HUFF REV. TRUST | 0.11 | 09.004 |
| 16 S | 12E | WM | 19 | SE SW | 1900 | DLMM PROPERTIES | 1.44 | 09.011 |
| 16 S | 12E | WM | 19 | SW SE | 2400 | DLMM PROPERTIES | 3.56 | 09.011 |
| 16 S | 12E | WM | 19 | SW SE | 2400 | DLMM PROPERTIES | 2.96 | 09.013 |
| 16 S | 12E | WM | 19 | SE SE | 2400 | DLMM PROPERTIES | 1.04 | 09.013 |
| 16 S | 12E | WM | 19 | SE NE | 1800 | KING | 1.17 | 09.014 |
| 16 S | 12E | WM | 8 | SW NW | 500 | SHEY | 1.80 | 09.007 |
| 17 S | 11E | WM | 12 | SW SW | 800 | JOYCE COATS TRUST | 4.96 | 09.010 |
| Total: | | | | | | | 32.77 | |

12. The portion of the sixth right to be transferred is as follows:

Certificate: 76520, issued in the name of Tumalo Irrigation District

Use: Supplemental Irrigation of 32.77 acres

Priority Date: December 8, 1961

Rate & Duty: Maximum of 9.91 acre-feet per acre during the irrigation season of each year and the right allowed hereunder for the appropriation of water for lands having a valid prior right shall be limited to the amount necessary to make up any deficiency in water available

to said lands under said prior right and the amount allowed herein, together with the amount secured under any other right existing for said lands, shall be limited by the duty of water as fixed herein.

Source: Crescent Lake Reservoir (constructed under Permit R-2744), tributary of Crescent Creek and Little Deschutes River.

Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
|---------------|------|-----|-----|-------|---------|-------------------|--------------|----------|
| 16 S | 11 E | WM | 12 | SE NW | 401 | JOHNSON | 1.00 | 09.003 |
| 16 S | 11 E | WM | 12 | SE NW | 401 | JOHNSON | 1.00 | 09.008 |
| 16 S | 11 E | WM | 12 | SE NW | 400 | FARLEY | 0.14 | 09.009 |
| 16 S | 11 E | WM | 22 | SE SW | 2503 | MEREDITH | 2.00 | 09.006 |
| 16 S | 11 E | WM | 22 | SE SW | 2502 | TCHALEMIAN | 5.00 | 09.011 |
| 16 S | 11 E | WM | 22 | SW SW | 2401 | DEUTSCHE BANK | 3.00 | 09.002 |
| 16 S | 11 E | WM | 24 | SW SE | 2300 | DUBLIN | 5.00 | 09.001 |
| 16 S | 12 E | WM | 8 | SW NW | 500 | SHEY | 0.20 | 09.007 |
| 16 S | 12 E | WM | 8 | SW NW | 500 | SHEY | 1.80 | 09.007 |
| 16 S | 12 E | WM | 8 | SE NW | 700 | SNYDER | 0.40 | 09.012 |
| 16 S | 12 E | WM | 8 | SW NW | 700 | SNYDER | 0.60 | 09.012 |
| 16 S | 12 E | WM | 17 | NE SE | 2502 | HUFF REV. TRUST | 0.50 | 09.004 |
| 16 S | 12 E | WM | 18 | SW NE | 501 | HUSON-BRAUN | 2.35 | 09.013 |
| 16 S | 12 E | WM | 18 | SW NE | 502 | HUSON-BRAUN | 1.65 | 09.013 |
| 16 S | 12 E | WM | 19 | SW NE | 3000 | KOCHAN | 2.00 | 09.005 |
| 16 S | 12 E | WM | 19 | SE NE | 1800 | KING | 1.17 | 09.014 |
| 17 S | 11 E | WM | 12 | SW SW | 800 | JOYCE COATS TRUST | 4.96 | 09.010 |
| Total: | | | | | | | 32.77 | |

13. Transfer Application T-10975 proposes to change the place of use to:

| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | User | Acres | Notice # |
|------|-----|-----|-----|-------|---------|---------------------|-------|----------|
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 2.00 | 09.006 |
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 1.00 | 09.008 |
| 16 S | 12E | WM | 12 | SE NW | 400 | FARLEY | 0.14 | 09.009 |
| 16 S | 11E | WM | 12 | SW SE | 1100 | WINCH | 1.00 | 09.003 |
| 16 S | 11E | WM | 12 | SE NW | 400 | FARLEY | 0.20 | 09.007 |
| 16 S | 11E | WM | 22 | NE NE | 101 | DAY | 3.00 | 09.002 |
| 16 S | 11E | WM | 22 | SW SW | 2401 | HUNT | 1.00 | 09.012 |
| 16S | 12E | WM | 8 | SE NW | 703 | JEWETT FAMILY TRUST | 4.69 | 09.001 |
| 16S | 12E | WM | 8 | SE NW | 704 | JEWETT FAMILY TRUST | 0.31 | 09.001 |
| 16 S | 12E | WM | 9 | SW NW | 501 | MCELWEE | 2.00 | 09.005 |
| 16 S | 12E | WM | 17 | SE SE | 2502 | HUFF REV. TRUST | 0.39 | 09.004 |
| 16S | 12E | WM | 17 | SW SE | 2502 | HUFF REV. TRUST | 0.11 | 09.004 |
| 16 S | 12E | WM | 19 | SE SW | 1900 | DLMM PROPERTIES | 1.44 | 09.011 |
| 16 S | 12E | WM | 19 | SW SE | 2400 | DLMM PROPERTIES | 3.56 | 09.011 |
| 16 S | 12E | WM | 19 | SW SE | 2400 | DLMM PROPERTIES | 2.96 | 09.013 |
| 16 S | 12E | WM | 19 | SE SE | 2400 | DLMM PROPERTIES | 1.04 | 09.013 |

| | | | | | | | | |
|---------------|-----|----|----|-------|------|-------------------|--------------|--------|
| 16 S | 12E | WM | 19 | SE NE | 1800 | KJNG | 1.17 | 09.014 |
| 16 S | 12E | WM | 8 | SW NW | 500 | SHEY | 1.80 | 09.007 |
| 17 S | 11E | WM | 12 | SW SW | 800 | JOYCE COATS TRUST | 4.96 | 09.010 |
| Total: | | | | | | | 32.77 | |

Transfer Review Criteria (OAR 690-385-5000)

14. 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.
15. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
16. The proposed change in place of use would not result in enlargement of the rights.
17. The proposed change in place of use would not result in injury to other water rights

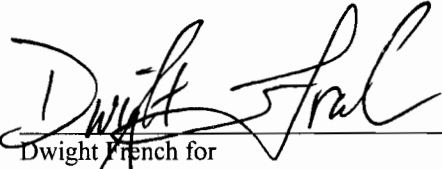
Conclusions of Law

The proposed changes in place of use in Transfer Application T-10975 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 74146, 74147, 74148, 74149, 76106, and 76520 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 Certificates 74146, 74147, 74148, 74149, 76106 and 76520 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The proposed change, as authorized by this final order, shall be completed within one full year from the approval date plus any additional time before or until October 1, 2011.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2012.
6. Certificates 74146, 74147, 74148, 74149, 76106 and 76520 are hereby modified. The Department will issue superseding certificates describing the rights when it determines that it is necessary for record keeping.

Dated at Salem, Oregon this 30th day of September, 2010.



Dwight French for
PHILLIP C. WARD, DIRECTOR

Mailing Date: OCT 04 2010