

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

In the Matter of Transfer Application            )    **FINAL ORDER APPROVING**  
T-12226, Deschutes County                    )    **A 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**

TUMALO IRRIGATION DISTRICT  
64697 COOK AVE.  
BEND, OR 97701

**Findings of Fact**

1. On December 19, 2013, Tumalo Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74146, 74147, 74148, 74149, and 76520. The Department assigned the application number T-12226.
2. Notice of the application for transfer was published on January 6 and January 12, 2016, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

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

**Use:** Irrigation of 7.64 acres

**Priority Date:** September 1900, August 5, 1900

**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 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 Points of Diversion:**

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Measured Distances</b>
17 S	11 E	WM	23	SW NE	NORTH 70° 21' WEST, 1550 FEET FROM THE EAST ¼ CORNER OF SECTION 23
18 S	10 E	WM	2	NW SW	NORTH 14° 02' EAST, 1713 FEET FROM THE SOUTH ¼ CORNER OF SECTION 2

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 Place of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Priority Date	Notice
16 S	11 E	WM	24	SW SE	1.50	2300	Hagen	8/5/1900	15.001
16 S	11 E	WM	24	SW SE	1.00	2300	Hagen	9/1900	15.001
16 S	11 E	WM	34	SE NW	3.00	402	O'Connor (Wolfenson)	8/5/1900	15.002
16 S	11 E	WM	34	SW SE	1.14	1303	McMahon Family Trust	9/1900	15.004
17 S	11 E	WM	11	NW NE	1.00	200	Resor	9/1900	15.005
<b>Total:</b>					<b>7.64</b>				

6. Transfer Application T-12226 proposes to change the place of use to:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Priority Date	Notice
16 S	11 E	WM	24	SW SE	1.50	2300	Hagen	8/5/1900	15.001
16 S	11 E	WM	24	SW SE	1.00	2300	Hagen	9/1900	15.001
16 S	11 E	WM	34	SW SE	0.67	1303	McMahon Family Trust	9/1900	15.004
16 S	12 E	WM	30	NW NE	3.47	900	Radcliffe/ von Hurst Rev Trust	9/1900	15.004
17 S	11 E	WM	11	SW NE	1.00	800	Campbell	9/1900	15.005
<b>Total:</b>					<b>7.64</b>				

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

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

**Use:** Irrigation of 6.50 acres

**Priority Date:** October 29, 1913

**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 as follows:

April 1 to May 1	1/80 cfs per acre
May 1 to May 15	1/60 cfs per acre
May 15 to September 15	1/32.4 cfs per acre
September 15 to October 1	1/60 cfs per acre
October 1 to November 1	1/80 cfs per acre
9.91 total acre-feet per acre at the diversion during the season	

**Sources:** Tumalo Creek, Crater Creek, Little Crater Creek, and Three Springs Branches, tributaries of the Deschutes River.

**Authorized Point of Diversion:**

POD	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1	17 S	11 E	WM	23	SW NE	TUMALO FEED CANAL - NORTH 70° 21' WEST, 1550 FEET FROM THE EAST ¼ CORNER OF SECTION 23

**Authorized Place of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Priority Date	Notice
16 S	11 E	WM	24	SW SE	0.50	2300	Hagen		15.001
16 S	11 E	WM	25	NE SE	1.00	701	Enduring Log Finishes, Ltd		15.003
16 S	12 E	WM	30	NW NE	3.00	900	Radcliffe/von Hurst Rev Trust		15.004
16 S	11 E	WM	25	NE SE	1.00	908	Shockey		15.007
16 S	11 E	WM	25	NW SE	1.00	908	Shockey		15.007
<b>Total</b>					<b>6.50</b>				

8. Transfer Application T-12226 proposes to change the place of use to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	24	SW SE	0.50	2300	Hagen	15.001
16 S	11 E	WM	25	NE SE	1.00	701	Enduring Log Finishes, Ltd	15.003
16 S	11 E	WM	25	NE SE	1.00	908	Shockey	15.007
16 S	11 E	WM	25	NW SE	1.00	908	Shockey	15.007
17 S	11 E	WM	02	NE NE	3.00	106	Sizoo & Turner	15.002
<b>Total</b>					<b>6.50</b>			

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

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

**Use:** Supplemental Irrigation of 14.14 acres

**Priority Date:** September 1, 1900

**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 of one cubic foot per second (or its equivalent) and 1.8 acre-feet, measure at or within one-half mile of the land to be irrigated, for each acre irrigated during the irrigation season of each year.

**Source:** Crescent Lake Reservoir (constructed under Permit R-102), tributary to Crescent Creek.

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
24 S	6 E	WM	11	SE SW
24 S	6 E	WM	11	SW SE

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	24	SW SE	1.50	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	1.00	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	0.50	2300	Hagen	15.001
16 S	11 E	WM	34	SE NW	3.00	402	O'Connor (Wolfenson)	15.002
16 S	11 E	WM	25	NE SE	1.00	701	Enduring Log Finishes Ltd	15.003
16 S	11 E	WM	34	SW SE	1.14	1303	McMahon Family Trust	15.004
16 S	12 E	WM	30	NW NE	3.00	900	Radcliffe/von Hurst Rev Trust	15.004
17 S	11 E	WM	11	NW NE	1.00	200	Resor	15.005
16 S	12 E	WM	25	NE SE	1.00	908	Shockey	15.007
16 S	11 E	WM	25	NW SE	1.00	908	Shockey	15.007
<b>Total</b>					<b>14.14</b>			

10. Transfer Application T-12226 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	24	SW SE	1.50	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	1.00	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	0.50	2300	Hagen	15.001

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S	11 E	WM	02	NE NE	3.00	106	Sizoo/Turner	15.002
16 S	11 E	WM	25	NE SE	1.00	702	Reece Madison Gisler	15.003
16 S	11 E	WM	34	SW SE	0.67	1303	McMahon Family Trust	15.004
16 S	11 E	WM	30	NW NE	3.47	900	Radcliffe/von Hurst Rev Trust	15.004
17 S	11 E	WM	11	SW NE	1.00	800	Campbell	15.005
16 S	11 E	WM	28	NW NE	2.00	200	Cibelli	15.007
<b>Total</b>					<b>14.14</b>			

11. The portion of the next right to be transferred is as follows:

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

**Use:** Supplemental Irrigation of 13.64 acres

**Priority Date:** 1905

**Rate & Duty:** The use is limited to the amount beneficially used and shall not exceed 9.50 cubic feet per second for supplemental irrigation, industrial use and pond maintenance during the irrigation season from April 1 to November 1 and storage of said water in Crescent Lake Reservoir during the non-irrigation season, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	32	NW NE	100 FEET SOUTH AND 550 FEET EAST FROM THE N1/4 CORNER OF SECTION 32

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	24	SW SE	1.50	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	1.00	2300	Hagen	15.001
16 S	11 E	WM	25	NE SE	1.00	701	Enduring Log Finishes, Ltd.	15.003
16 S	11 E	WM	25	NE SE	1.00	908	Shockey	15.007
16 S	11 E	WM	25	NW SE	1.00	908	Shockey	15.007
16 S	11 E	WM	34	SE NW	3.00	402	O'Conner (Wolfenson)	15.002
16 S	11 E	WM	34	SW SE	1.14	1303	McMahon Family Trust	15.004
16 S	11 E	WM	30	NW NE	3.00	900	Radcliff vonHurst Rev Trust	15.004
17 S	11 E	WM	11	NW NE	1.00	200	Resor	15.005
<b>Total</b>					<b>13.64</b>			

12. Transfer Application T-12226 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	24	SW SE	1.50	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	1.00	2300	Hagen	15.001
16 S	11 E	WM	02	NE NE	3.00	106	Hagen	15.001
16 S	11 E	WM	24	NE SE	1.00	702	Sizoo/Turner	15.002
16 S	11 E	WM	34	SW SE	0.67	1303	Reece Madison Gilser	15.003
16 S	11 E	WM	30	NW NE	3.47	900	McMahon Family Trust	15.004
16 S	11 E	WM	11	SW NE	1.00	800	Radcliffe/von Hurst Rev Trust	15.004

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S	11 E	WM	11	SW NE	1.00	800	Campbell	15.005
16 S	11 E	WM	28	NW NE	2.00	200	Cibelli	15.007
<b>Total</b>					<b>13.64</b>			

13. The portion of the next right to be transferred is as follows:

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

**Use:** Supplemental Irrigation of 14.14 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 a diversion of not to exceed 9.91 acre-feet per acre for each acre irrigated 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,; and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

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

**Authorized Points of Diversion:**

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Deschutes River – Tumalo Irrigation District Bend Feed Canal	17 S	12 E	WM	32	NW NE	2050 FEET WEST FROM THE NE CORNER OF SECTION 23
Crescent Lake Reservoir	24 S	6 E	WM	11	SE SW	Not listed on certificate

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	24	SW SE	1.50	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	0.50	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	1.00	2300	Hagen	15.001
16 S	11 E	WM	25	NE SE	1.00	701	O'Connor (Wolfenson)	15.002
16 S	11 E	WM	25	NE SE	1.00	908	Enduring Log Finishes Ltd	15.003
16 S	11 E	WM	25	NW SE	1.00	908	McMahon Family Trust	15.004
16 S	11 E	WM	34	SE NW	3.00	402	Radcliffe/von Hurst Rev Trust	15.004
16 S	11 E	WM	34	SW SE	1.14	1303	Resor	15.005
16 S	12 E	WM	30	NW NE	3.00	900	Shockey	15.007
17 S	11 E	WM	11	NW NE	1.00	200	Shockey	15.007
<b>Total</b>					<b>14.14</b>			

14. Transfer Application T-12226 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	24	SW SE	1.50	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	1.00	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	0.50	2300	Hagen	15.001
17 S	11 E	WM	02	NE NE	3.00	106	Sizoo/Turner	15.002
16 S	11 E	WM	25	NE SE	1.00	702	Reece Madison Gisler	15.003

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	34	SW SE	0.67	1303	McMahon Family Trust	15.004
16 S	11 E	WM	30	NW NE	3.47	900	Radcliffe/vonHurst Rev Trust	15.004
17 S	11 E	WM	11	SW NE	1.00	800	Campbell	15.005
16 S	11 E	WM	28	NW NE	2.00	200	Cibelli	15.007
<b>Total</b>					<b>14.14</b>			

15. 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.
16. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
17. The proposed change in place of use would not result in enlargement of the rights.
18. 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 as proposed in Transfer Application T-12226 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, 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, 76520, and any related decree.
3. The former place of use shall no longer be irrigated as part of these water rights.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. A Claim of Beneficial Use shall be submitted by Tumalo Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. Water Right Certificates 74146, 74147, 74148, 74149, and 76520 are 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 28 day of March, 2016.

  
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 Dwight French, Water Right Services Administrator for  
 THOMAS M. BYLER, DIRECTOR

Mailing Date: APR 01 2016