

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF TUMALO IRRIGATION DISTRICT FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM TUMALO, CRATER,)
LITTLE CRATER CREEKS, THREE SPRINGS,)
DESCHUTES RIVER AND CRESCENT LAKE)
RESERVOIR)
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O R D E R

APPROVING APPLICATION

On July 19, 1962, Tumalo Irrigation District filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tumalo, Crater, Little Crater Creeks, Three Springs, Deschutes River and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, confirms a right to the use of the waters of Tumalo, Crater, Little Crater Creeks and Three Springs for the irrigation of, among other lands, 5.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, and 25.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, both in Township 16 South, Range 11 East, W. M., and 1.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of October 29, 1913.

By decree of the Circuit Court for Deschutes County, Oregon, entered September 30, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Deschutes River and its Tributaries, a water right was established for the use of 9.5 cubic feet per second of the waters of Deschutes River for the supplemental irrigation of all lands within the District having a water right, including those lands above described, with a date of priority of 1905.

Certificate of water right issued to Tumalo Irrigation District and recorded at page 26051, Volume 18, State Record of Water Right Certificates, confirms a right to the use of the waters stored in Crescent Lake Reservoir for the supplemental irrigation of, among other lands, the lands

described in the second paragraph of this order, with a date of priority of April 7, 1911. Subsequently, on July 20, 1962, the State Engineer entered an order approving an application wherein 7.6 acres were transferred from the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 16 South, Range 11 East, W. M. to other lands within the district.

The applicant herein, owner of 20 acres of the lands above described, to-wit: 5.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34 and 13.1 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 16 South, Range 11 East, W. M., and 1.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., proposes to transfer the water right therefrom without loss of priority to 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 16 South, Range 12 East, W. M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

No objections having been filed and it appearing such change in place of use of water will insure to the benefit of the District, and may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and the water rights hereinbefore described as appurtenant to 5.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34 and 13.1 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 16 South, Range 11 East, W. M., and 1.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with dates of priority of October 29, 1913, for primary irrigation and 1905 and April 7, 1911, for supplemental irrigation, be severed therefrom and simultaneously and without loss of priority transferred to 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 16 South, Range 12 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the land to which the water is transferred hereby, certificates of water right shall be issued to the Tumalo Irrigation District to the extent to which the water has been applied beneficially, and the certificates of water right heretofore issued to Tumalo Irrigation District and recorded at pages 26050 and 26051, Volume 18, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 27th day of July, 1962.

Noted on records
App. # 1343 & 3263
Cert. # 26050 & 26051

Chris L. Wheeler
CHRIS L. WHEELER
State Engineer