

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 DESCHUTES )  
 RIVER. )

O R D E R

APPROVING APPLICATION

I

On February 15, 1961, 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 Deschutes River pursuant to the provisions of ORS 540.510 to 540.530.

II

The Tumalo Irrigation District has heretofore acquired title to lands with certain water rights appurtenant thereto located within the boundaries of the district, said lands and water rights being described as follows:

Sub-division	Section	Township & Range	Deschutes River	Tumalo Creek	Tumalo, Crater and Little Crater Creeks and 3 Springs	Crescent Lake Storage
(1)	(2)	(3)	(4)	(5)	(6)	(7)
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14	16S 11E	3.0		3.0 P	3.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	21	16S 11E	2.8		2.8 P	2.8
SW $\frac{1}{4}$ SW $\frac{1}{4}$	21	16S 11E	8.6	<i>except 2.2</i>	8.6 P	8.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	22	16S 11E	17.0		17.0 P	17.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	22	16S 11E	12.0	<i>except 1.8</i> (1) 7.3	( 4.7 P ) ( 7.3 S )	12.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	23	16S 11E	1.0		1.0 P	1.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	23	16S 11E	5.0		5.0 P	5.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$	33	16S 11E	4.0		4.0 P	4.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34	16S 11E	3.3		3.3 P	3.3
NE $\frac{1}{4}$ SE $\frac{1}{4}$	34	16S 11E	0.7		0.7 P	0.7
SE $\frac{1}{4}$ SE $\frac{1}{4}$	35	16S 11E	0.6	(2) 0.6		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	17	16S 12E	11.6	(1) 11.6	11.6 S	11.6
SE $\frac{1}{4}$ NE $\frac{1}{4}$	17	16S 12E	12.1		12.1 P	12.1
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1	17S 11E	6.0	(2) 6.0	6.0 S	6.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$	4	17S 11E	5.8		5.8 P	5.8
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11	17S 11E	5.6	(2) 5.6	5.6 S	5.6
SW $\frac{1}{4}$ NE $\frac{1}{4}$	11	17S 11E	2.5	(2) 2.5	2.5 S	2.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$	12	17S 11E	1.2		1.2 P	1.2

NOTE: See Column (5) - - (1) Date of Priority of June 1, 1907  
 (2) Date of Priority of September, 1900.

NOTE: See Column (6) - - P means primary water right  
 S means supplemental water right

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 in the name of the Deschutes County Municipal Improvement District, now Tumalo Irrigation District, for the use of 9.5 cubic feet per second of the waters of Deschutes River, with a date of priority of 1905, for the irrigation of all lands within the District, which include those lands described in Column 4 on the preceding page.

In the matter of the determination of the relative rights to the use of the waters of Tumalo Creek and its tributaries, a water right was established for the irrigation of those lands described in Column 5 above with dates of priority of June 1, 1907 and September, 1900.

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, under Permit No. 19628, to the use of the waters of Tumalo, Crater and Little Crater Creeks and three springs, with a date of priority of October 29, 1913, for the irrigation of, among other lands, those described in Column 6 on the preceding page.

Certificate of water right issued to the Tumalo Irrigation District and recorded at Page 26051, Volume 18, State Record of Water Right Certificates, confirms a right under Permit No. 624 to the use of the waters stored in Crescent Lake Reservoir, with a date of priority of April 7, 1911, for supplemental irrigation of all lands within the District which include those described in Column 7 on the preceding page.

### III

The District proposes to transfer the water rights described in Paragraph II above, except 2.2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, and 1.3 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 16 South, Range 11 East, W. M., from sources set forth in Columns 4, 6 and 7 of said Paragraph II, without loss of priority, to the lands set forth in the following table:

Sub-division	Section	Township & Range	Des-chutes River	Tumalo Creek	Tumalo, Crater and Little Crater Creeks and 3 Springs	Crescent Lake Storage
(1)	(2)	(3)	(4)	(5)	(6)	(7)
SW $\frac{1}{4}$ NE $\frac{1}{4}$	34	16S 11E	2.43		2.43 P	2.43
NW $\frac{1}{4}$ SE $\frac{1}{4}$	35	16S 11E	3.40		3.40 P	3.40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	35	16S 11E	2.70		2.70 P	2.70
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8	16S 12E	39.40	(3) 33.6	(33.00 S) ( 5.80 P)	38.80
SW $\frac{1}{4}$ NW $\frac{1}{4}$	9	16S 12E	37.80		37.80 P	37.80
SW $\frac{1}{4}$ NW $\frac{1}{4}$	17	16S 12E	.26		.26 P	.26
NE $\frac{1}{4}$ SW $\frac{1}{4}$	17	16S 12E	3.70		3.70 P	3.70
NE $\frac{1}{4}$ NE $\frac{1}{4}$	18	16S 12E	.36		.36 P	.36
SW $\frac{1}{4}$ SW $\frac{1}{4}$	18	16S 12E	4.10		4.10 P	4.10
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1	17S 11E	.70		.70 P	.70
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1	17S 11E	4.45		4.45 P	4.45

NOTE: See Column 5 - - (3) 18.9 acres have a date of priority of June 1, 1907  
14.7 acres have a date of priority of September, 1900.

#### IV

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.

#### V

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

#### VI

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 in Paragraph II, except for 2.2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21 and 1.3 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 16 South, Range 11 East, W. M., from sources set forth in Columns 4, 6 and 7 of said Paragraph II, be severed therefrom and simultaneously and without loss of priority, transferred to the lands set forth in the tabulation in Paragraph III hereof.

VII

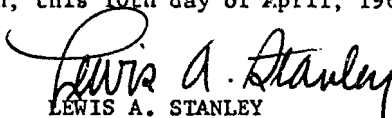
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1962, or within such extension of time as may be granted by the State Engineer for good cause shown.

VIII

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 lands to which the water is transferred hereby, certificate of water right shall be issued to Tumalo Irrigation District, or their successor in interest, 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, and page 26508, Volume 18, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 10th day of April, 1961.

Noted on Decree  
Vol. 18, p. 192  
Cert. # 26508

  
LEWIS A. STANLEY  
State Engineer

App # 3263 81343  
Cert # 26051 # 26050

T# 3989 Δ Pol

Trst. "T-50"