

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN USE AND PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7530 submitted by

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The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County as evidenced by a PORTION of Certificate 74146. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 135. The date of priority is SEPTEMBER, 1900.

The right allows the use of TUMALO CREEK, a tributary of THE DESCHUTES RIVER, for IRRIGATION OF 3.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.046 cubic foot per second, or its equivalent in case of rotation, measured at the point of diversion from the source, if available at the authorized points of diversion:

1 - SW¼ NE¼, SECTION 23, T. 17 S., R. 11 E., W.M.; N. 70° 21' W.; 1550 FEET
FROM THE EAST ¼ CORNER OF SECTION 23.

This is a final 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

2 - SW¼ SE¼, SECTION 2, T. 18 S., R. 10 E., W.M.; N. 14° 02' E.; 1713 FEET FROM THE SOUTH ¼ CORNER OF SECTION 2.

The amount of water used for irrigation, together with the amount secured under any other right 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 1.8 ACRE FEET, MEASURED AT OR WITHIN ONE-HALF MILE OF THE LAND TO BE IRRIGATED, during the irrigation season of each year.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The second right to be modified, as evidenced by a portion of Certificate 74147, was perfected under Permit 19628 with a date of priority of OCTOBER 29, 1913. The right allows the use of TUMALO CREEK, CRATER CREEK, LITTLE CRATER CREEK AND THREE SPRING BRANCHES, tributaries of THE DESCHUTES RIVER, for SUPPLEMENTAL IRRIGATION OF 3.2 ACRES. The amount of water to which the entire right is entitled is limited to an amount actually beneficially used and shall not exceed 136.0 cubic feet per second FROM TUMALO CREEK, WITH ANY DEFICIENCY FROM TUMALO CREEK TO BE MADE UP BY DIVERTING NO MORE THAN 40.0 CFS FROM CRATER CREEK, 34.0 CFS FROM LITTLE CRATER CREEK AND 1.0 CFS FROM THE THREE SPRING BRANCHES if available at the authorized points of diversion:

- TUMALO CREEK #1 - SW¼ NE¼, SECTION 23, T. 17 S., R. 11 E., W.M.; N. 70° 21' W., 1550 FEET FROM THE EAST ¼ CORNER OF SECTION 23.
- TUMALO CREEK #2 - SW¼ SE¼, SECTION 2, T. 18 S., R. 10 E., W.M.; N. 14° 02' E., 1713 FEET FROM THE SOUTH ¼ CORNER OF SECTION 2.
- CRATER CREEK - SE¼ SE¼, SECTION 31, T. 17 S., R. 9 E., W.M.
- LITTLE CRATER CREEK - NW¼ SE¼, SECTION 31, T. 17 S., R. 9 E., W.M.
- SPRING BRANCH #1 - NW¼ SE¼, SECTION 31, T. 17 S., R. 9 E., W.M.
- SPRING BRANCH #2 - NE¼ SW¼, SECTION 31 T. 17 S., R. 9 E., W.M.

SPRING BRANCH #3 - SE¼ NW¼, SECTION 5, T. 18 S., R. 9 E., W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to :

CUBIC FEET PER SECOND AT DIVERSION

<u>April 1 to May 1</u>	<u>May 1 to May 15</u>	<u>May 15 to Sept. 15</u>	<u>Sept. 15 to Oct. 1</u>	<u>Oct 1 to Nov. 1</u>	<u>Total acre feet per acre at diversion during the season</u>
1/80	1/60	1/32.4	1/60	1/80	9.91

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The third right to be modified, as evidenced by a portion of Certificate 74148, was perfected under Permit 624 with a date of priority of APRIL 7, 1911. The right allows the use of CRESCENT LAKE RESERVOIR, constructed under Permit R-102, a tributary of CRESCENT CREEK, for SUPPLEMENTAL IRRIGATION OF 3.2 ACRES. The amount of water to which the entire right is entitled is limited to an amount actually beneficially used and shall not exceed 35,000 ACRE-FEET STORED WATER ONLY, or its equivalent in case of rotation, measured at the point of diversion from the source, if available at the authorized points of diversion:

SE¼ SW¼ & SW¼ SE¼, SECTION 11, T. 24 S., R.6 E., W.M.

The amount of water used for irrigation, together with the amount secured under an 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 periods indicated during the irrigation season of each year:

<u>April 1 - May 1</u>	<u>May 1 - May 15</u>	<u>May 15 - Sept. 15</u>	<u>Sept. 15 - Oct. 1</u>	<u>Oct. 1 - Nov. 1</u>
0.75 acre-feet	0.50 acre-feet	7.40 acre-feet	0.50 acre-feet	0.75 acre-feet

The fourth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County as evidenced by a PORTION of Certificate 74149. The decree is recorded in the Order Record of the Water Resources Director in Volume 9, at Page 362. The date of priority is 1905.

The right allows the use of THE DESCHUTES RIVER, TRIBUTARY OF THE COLUMBIA RIVER for SUPPLEMENTAL IRRIGATION OF 3.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and together with other rights evidenced by Certificate 74149, not involved in this transfer, shall not exceed 9.50 cfs, if available at the authorized point of diversion: NW¼ NE¼, SECTION 32, T 17 S, R 12 E, W.M.; 100 FEET SOUTH AND 550 FEET EAST FROM THE N¼ CORNER, SECTION 32, or its equivalent in case of rotation, measured at the point of diversion from the source.

The fifth right to be modified, as evidenced by a portion of Certificate 76520, was perfected under Permit 27841, with a date of priority of DECEMBER 8, 1961. The right allows the use of water stored in CRESCENT LAKE RESERVOIR constructed under permit R-2744, a tributary of CRESCENT CREEK AND LITTLE DESCHUTES RIVER, for SUPPLEMENTAL IRRIGATION OF 3.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 9.91 acre feet for each acre irrigated during the irrigation season of each year, if available at the authorized point of diversion: DESCHUTES RIVER (TUMALO IRRIGATION DISTRICT BEND FEED CANAL)- NW¼ NE¼, SECTION 32, T 17 S, R 12 E, W.M.; 100 FEET SOUTH AND 550 FEET EAST FROM THE N¼ CORNER, SECTION 32; AND CRESCENT LAKE RESERVOIR - SE¼ SW¼, SECTION 11, T 24 S, R 6 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE¼ SE¼ 3.2 ACRES
SECTION 1

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

The applicant proposes to change the use of 1.2 acres to an equivalent amount for pond maintenance and the place of use to:

NE¼ SE¼ T.L. 700 IRR. POND MAINTENANCE
2.0 ACRES 1.2 ACRES
SECTION 1

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.


THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2003.
2. The former place of use shall no longer be irrigated as a part of these water rights.

Except as modified herein, all other conditions and restrictions on Certificates 74146, 74147, 74148, 74149, and 76520 remain in effect.

When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm those portions of the rights not modified by this or any other order.

WITNESS the signature of the Water Resources Director, affixed NOV 16 2001.



For Paul R. Cleary, Director