

- (790.6 acres) formerly under Certificate 76106 now assigned to Certificate 74146, as modified by any transfers, including T-11939, completed pursuant to ORS 540.580.
- c. Also consistent with these orders, Certificate 76106 was cancelled with the issuance of confirming water right Certificate 81332 for the use of the waters of Tumalo Creek for instream use with priority date December 8, 1961, and the issuance of diminishment remaining right Certificate 88894 for use of the water of Upper Tumalo Reservoir for supplemental uses. Certificate 81332 was issued to the State of Oregon in exchange for TID receiving the State of Oregon's portion of conserved water under Certificate 74148.
 - d. Thus, consistent with these orders, the entirety of the conserved water under Certificate 74148 (3,746 ac-ft) became the applicant's portion for supplemental irrigation under the same Certificate 74148. The conserved portion of water was assigned to serve the place of use (790.6 acres) described under Certificate 76106 for supplemental irrigation with the April 7, 1911 priority date.
 - e. When the Department determines it is necessary for record keeping, it will issue a single superseding certificate for Certificate 74148 for supplemental irrigation. The superseding certificate will include both the place of use originally under Certificate 74148, and the place of use for the 790.6 acres as had been described in Certificate 76106, as modified by any transfers, including T-11939, completed pursuant to ORS 540.580.

Findings of Fact

2. On December 12, 2014, Tumalo Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74146, 74147, 74148, 74149, 76520, and 76106. The Department assigned the application number T-11939.
3. Notice of the application for transfer was published on December 23, 2014, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
4. On February 17, 2016, and as described in Special Order Volume 98 at Pages 750-753, the Department approved Transfer Application T-11939 for primary irrigation under water right Certificate 74146, 74147, and the "Water Right affected by Special Order Volume 64, Pages 157-158" (place of use formerly under 76106).
5. On February 14, 2017, the Department signed a correcting final order which was mailed on February 17, 2017, to supplement the original final order described in Finding of Fact #4, above. The correcting order is recorded at Special Order Volume 103, Pages 933-938. It was issued to correct the omission of water rights for supplemental irrigation under Certificates 74147, 74148, 74149, and 76520 associated with the approved primary acreage.
6. Transfer T-11939 was issued after the issuance date, being April 18, 2005, of the ORDER FINALIZING THE ALLOCATION AND ASSIGNMENT OF CONSERVED under CW-9, referenced in Background Item #1, above. The final order and correcting final order for Transfer T-11939

were issued without including the place of use changes to Certificate 74148 for supplemental irrigation as affected by Special Order Volume 64, Pages 157-158 (place of use formerly described under Certificate 76106). This second correcting order is issued to correct omission of these places of use and supplements both the original transfer final order recorded at Special Order Volume 98 at Pages 750-753, and the correcting final order recorded at Special Order Volume 103, Pages 933-938.

7. All lands under Certificate 74148 as affected by Special Order Volume 64, Pages 157-158 (place of use formerly described under Certificate 76106), which were omitted in the two prior orders, are layered with places of use identical to lands approved in T-11939 under Certificate 74146² for primary irrigation, and Certificates 74149 and 76520 for supplemental irrigation.

6. The portion 74148 as affected by Special Order Volume 64, Pages 157-158 to be transferred is as follows:

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

Use: Supplemental Irrigation of 4.50 acres

Priority Date: April 7, 1911

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:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
17 S	11 E	WM	13	NW SE	4.50	100	Joyce E Coats Rev Trust	N14.004

7. Transfer Application T-11939 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION

² Lands for primary irrigation under Certificate 74146 as a result of CW-9 were referenced as "76106" or "Water right affected by Special Order Volume 64, Pages 157-158" in the original transfer final order recorded at Special Order Volume 98 at Pages 750-753, and in the correcting final order recorded at Special Order Volume 103, Pages 933-938.

Twtp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	11 E	WM	33	NE SE	0.08	1100	Lucky Land Investment LLC	N14.004
16 S	11 E	WM	33	NE SE	0.02	1200	Lucky Land Investment LLC	N14.004
16 S	11 E	WM	33	NE SE	4.40	1300	Lucky Land Investment LLC	N14.004
Total:					4.50			

Conclusions of Law

The proposed changes in places of use as shown in Findings of Facts #6 and 7 for Transfer T-11939 satisfy the requirements of ORS 540.574(3) and 540.585.

Now, therefore, it is ORDERED:

The final order approving T-11939, as recorded in Special Order Volume Special Order Volume 98 at Pages 750-753 and the correcting order as recorded in Special Order Volume 103 at Pages 933-938, are hereby corrected to approve the place of use change 4.50 acres under Certificate 74148 for supplemental irrigation, as shown in Finding of Facts #6 and 7, above. All other terms and conditions of Special Order Volume Special Order Volume 98 at Pages 750-753 and of Special Order Volume 103 at Pages 933-938 remain the same.

Signed at Salem, Oregon on SEP 20 2019.

Lisa J. Jaramillo, Transfer and Conservation Section Manager for
 THOMAS M. BYLER, DIRECTOR
 Oregon Water Resources Department

Mailing Date: SEP 23 2019