



- b. When the Department determines it is necessary for record keeping, it will issue a single superseding certificate for Certificate 74146. The superseding certificate will include both the place of use originally under Certificate 74146, and the place of use (790.6 acres) formerly under Certificate 76106 now assigned to Certificate 74146, as modified by any transfers, including T-11504, 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-11504, completed pursuant to ORS 540.580.

### **Findings of Fact**

- 2. On December 19, 2012, Tumalo Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74146, 74147, 74148, 74149, 76106 and 76520. The Department assigned the application number T-11504.
- 3. Notice of the application for transfer was published on December 24, 2012, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 4. On March 21, 2013, the Department signed a final order, which was mailed on April 3, 2013, approving Transfer Application for T-11504. The final order was recorded in Special Order Volume 89, Pages 182-187.
- 5. Transfer T-11504 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.
  - a. The final order for Transfer T-11504 was issued without including the place of use changes to Certificate 74148 for supplemental irrigation as affected by Special Order

Volume 64, Pages 157-258 (place of use formerly under Certificate 76106). This superseding correcting order is, in part, issued to correct omission of these places of use in the original order issued on May 13, 2013. All lands under Certificate 74148 as affected by Special Order Volume 64, Pages 157-258 (place of use formerly described under Certificate 76106) which were omitted in the original final order are layered with places of use identical to lands under Certificate 74146<sup>2</sup> for primary irrigation, and Certificates 74149 and 76520 for supplemental irrigation.

b. The place of use changes to Certificate 74146 for primary irrigation as affected by Special Order Volume 64, Pages 157-258 (place of use formerly under Certificate 76106) was included in transfer T-11504 as primary irrigation under Certificate 76106. This superseding correcting order is, in part issued to correct references to Certificate 76106 (cancelled as of April 18, 2005) to Certificate 74146 with a priority date of September 1900.

6. In reviewing the original final order for T-11504, Special Order Volume 89 at Page 182-187, it was also discovered that not all parcels for supplement irrigation for Certificates 74148 and 74149 were included. Omitted lands for supplemental irrigation are layered with lands for primary irrigation under Certificate 74146<sup>2</sup> approved in the original order. This superseding correcting order is, in part, issued to correct omission of these places of use in the original order issued on May 13, 2013. These corrections are consistent with the transfer application.

7. This order is issued to supersede the original Final Order recorded at Special Order Volume 89, Pages 182-187 and to correct additional scrivener's errors not itemized above. Changes to the original order will be shown in ***Bold and Italic***. Deletions will be shown in ~~strikeout~~ text.

8. The portion of the first right to be transferred is as follows:

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

**Use:** Irrigation *of 6.5 Acres*

**Priority Date:** *September 1900 and June 1, 1907*

**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:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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

<sup>2</sup> Lands for primary irrigation under Certificate 74146 as a result of CW-9 were referenced as "Certificate 76106" in the original transfer final orders T-11504

**Authorized Place of Use:**

IRRIGATION									
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
1907	16S	12E	WM	18	NW SW	4.00	900	Vlach Trust	12.003
1900	16S	12E	WM	8	NE SW	2.50	1601	Snyder	12.004
<b>Total:</b>						<b>6.50</b>			

6. Transfer Application T-11504 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION									
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
1907	17S	11E	WM	11	SE SE	4.00	1800	Horsman Revocable Trusts	12.003
1900	16S	11E	WM	24	SE SW	2.50	3001	Turner	12.004
<b>Total:</b>						<b>6.50</b>			

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

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

**Use:** Supplemental Irrigation of **6.5 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:

Apr 1 to May 1 and Oct 1 to Nov 1 -1/80 cfs per acre

May 1 to May 15 and Sep 15 to Oct 1 -1/60 cfs

May 15 to Sep 15 1/32.4 cfs,

and 9.91 total acre-feet per acre at the diversion during the season.

**Source:** 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

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16S	12E	WM	18	NW SW	4.00	900	Vlach Trust	12.003
16S	12E	WM	8	NE SW	2.50	1601	Snyder	12.004
<b>Total:</b>					<b>6.50</b>			

8. Transfer Application T-11504 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16S	11E	WM	24	SE SW	2.50	3001	Turner	12.004
17S	11E	WM	11	SE SE	4.00	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>					<b>6.50</b>			

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

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

**Use:** Supplemental Irrigation of **10.85 Acres**

**Priority Date:** ~~September 1, 1900~~ **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.~~

*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 the following amounts measured at the point of diversion from the Deschutes River for each acre irrigated during the periods indicated below during the irrigation season of each year.*

*Apr 1 to May 1 and Oct 1 to Nov 1: 0.75 acre-feet*

*May 1 to May 15 and Sep 15 to Oct 1: 0.50 acre-feet*

*May 15 to Sep 15: 7.40 acre-feet*

*Further limited to a total diversion of not to exceed 35,000 acre-feet stored water only during any one irrigation season.*

**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	Owner Name	Notice
16 S	11 E	WM	22	NW SE	2.50	1800	Rockett	12.002
16S	12E	WM	8	NE SW	2.50	1601	Snyder	12.004
16S	12E	WM	17	NE NE	0.50	101	Stout	12.001
16S	12E	WM	18	NW SW	4.00	900	Vlach Trust	12.003
17S	11E	WM	11	SE SE	1.35	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>					<b>10.85</b>			

10. Transfer Application T-11504 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16S	11E	WM	22	NW SE	2.50	1700	Kruskamp	12.002
16S	12E	WM	17	NE NE	0.50	101	Stout	12.001
16S	11E	WM	24	SE SW	2.50	3001	Turner	12.004
17S	11E	WM	11	SE SE	4.00	1800	Horsman Revocable Trusts	12.003

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
17S	11E	WM	11	SE SE	1.35	1800	Horsman Revocable Trusts	12.003
Total:					10.85			

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

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

**Use:** Supplemental Irrigation of **10.85 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	Owner Name	Notice
16 S	11 E	WM	22	NW SE	2.50	1800	Rockett	12.002
16S	12E	WM	8	NE SW	2.50	1601	Snyder	12.004
16S	12E	WM	17	NE NE	0.50	101	Stout	12.001
16S	12E	WM	18	NW SW	4.00	900	Vlach Trust	12.003
17S	11E	WM	11	SE SE	1.35	1800	Horsman Revocable Trusts	12.003
Total:					10.85			

12. Transfer Application T-11504 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16S	11E	WM	22	NW SE	2.50	1700	Kruskamp	12.002
16S	12E	WM	17	NE NE	0.50	101	Stout	12.001
16S	11E	WM	24	SE SW	2.50	3001	Turner	12.004
17S	11E	WM	11	SE SE	4.00	1800	Horsman Revocable Trusts	12.003
17S	11E	WM	11	SE SE	1.35	1800	Horsman Revocable Trusts	12.003
Total:					10.85			

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

**Certificate:** ~~76106~~ **74146**, issued in the name of Tumalo Irrigation District

**Use:** Irrigation

**Priority Date:** ~~December 8, 1961~~ **September 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 per acre (or its equivalent) for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from Upper Tumalo Reservoir constructed under water use Permit R-2743. *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, and Upper Tumalo Reservoir (constructed under Permit R-2743) tributary of the Deschutes River.

**Authorized Points of Diversion:**

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Tumalo Creek	17-S	11-E	WM	23	SE-NE	2080 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 23
Upper Tumalo Reservoir	16-S	11-E	WM	33	SE-SW	Not listed on certificate
<b>TUMALO FEED CANAL POD 1</b>	17 S	11 E	WM	23	SW NE	NORTH 70° 21' WEST, 1550 FEET FROM THE EAST ¼ CORNER OF SECTION 23
<b>TUMALO CREEK POD 2</b>	18 S	10 E	WM	2	NW SW	NORTH 14° 02' EAST, 1713 FEET FROM THE SOUTH ¼ CORNER OF SECTION 2

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	11 E	WM	22	NW SE	2.50	1800	Rockett	12.002
16S	12E	WM	17	NE NE	0.50	101	Stout	12.001
17S	11E	WM	11	SE SE	1.35	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>					<b>4.35</b>			

14. Transfer Application T-11504 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16S	11E	WM	22	NW SE	2.50	1700	Kruskamp	12.002
16S	12E	WM	17	NE NE	0.50	101	Stout	12.001
17S	11E	WM	11	SE SE	1.35	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>					<b>4.35</b>			

15. 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

**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	Owner Name	Notice
16S	12E	WM	18	NW SW	4.00	900	Vlach Trust	12.003
16 S	11 E	WM	22	NW SE	2.50	1800	Rockett	12.002
16S	12E	WM	8	NE SW	2.50	1601	Snyder	12.004
16S	12E	WM	17	NE NE	0.50	101	Stout	12.001
17S	11E	WM	11	SE SE	1.35	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>					<b>10.85</b>			

16. Transfer Application T-11504 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Owner Name	Notice
16S	11E	WM	22	NW SE	2.50	1700	Kruskamp	12.002
16S	11E	WM	24	SE SW	2.5	3001	Turner	12.004
16S	12E	WM	17	NE NE	0.50	101	Stout	12.001
17S	11E	WM	11	SE SE	4.00	1800	Horsman Revocable Trusts	12.003
17S	11E	WM	11	SE SE	1.35	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>					<b>10.85</b>			

17. 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.

18. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

19. The proposed change in place of use would not result in enlargement of the rights.

20. The proposed change in place of use would not result in injury to other water rights



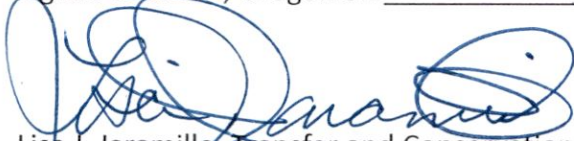
## Conclusions of Law

The proposed changes in place of use in Transfer Application T-11504 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, ~~76106~~ 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~~ and 76520 and any related decree.
3. The former place of use shall no longer be irrigated as part of these water rights.
4. The proposed change, as authorized by this final order, shall be completed within one full year from the approval date plus any additional time before or until October 1, 2013.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2014**. A Claim of Beneficial Use shall be submitted to the Department by Tumalo Irrigation District within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Certificates 74146, 74147, 74148, 74149, ~~76106~~ and 76520 are modified. The Department will issue superseding certificates describing the right when it determines that is necessary for record keeping.

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