

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
HARPER BROWN (TUMALO IRRIGATION) ORDER APPROVING
DISTRICT) FOR APPROVAL OF A) TRANSFER 5963
CHANGE IN PLACE OF USE OF WATER)

On June 24, 1987, an application was filed in the office of the Water Resources Director by Harper Brown for approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and three spring branches, 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, describes a right to the use of not to exceed 136.0 cubic feet per second of water from Tumalo Creek, supplemented by the use of not to exceed 40.0 cubic feet per second from Crater Creek; not to exceed 34.0 cubic feet per second from Little Crater Creek; and not to exceed 1.0 cubic foot per second from three spring branches for irrigation of, among other lands, a certain:

1.0 acre NW 1/4 NW 1/4
1.0 acre NE 1/4 NW 1/4
Section 30
Township 16 South, Range 12 East, WM,

with a date of priority of October 29, 1913.

These lands also have supplemental rights evidenced by Certificate 31412, Volume 23, State Record of Water Right Certificates, to the use of water from Deschutes River, with a date of priority of 1905; Certificate 26050, Volume 18, to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, with a date of priority of October 29, 1913; Certificate 26051, Volume 18, to the use of waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and Permit 27841 for the use of waters of Crescent Lake Reservoir, with a priority date of December 8, 1961.

The applicant herein, owner of the lands described above, proposes to transfer the water rights therefrom to a certain 2.0 acres in NW 1/4 NE 1/4, Section 30, Township 16 South, Range 12 East, WM (Dierberger).

The lands involved herein are within the boundaries of the Tumalo Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting.

Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

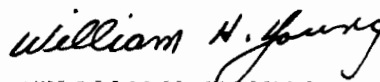
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 26050, and shall be beneficially used as authorized by this order on or before October 1, 1989.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, the change of water right shall be considered perfected, and at a later date a certificate of water right shall be issued to Tumalo Irrigation District confirming this and other changes within the District, and superseding Certificate 26050.

Dated at Salem, Oregon, this 4th day of April, 1988.


WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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