

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN CHARACTER OF USE
AND A CHANGE IN 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 8326 submitted by

TUMALO IRRIGATION DISTRICT
64697 COOK AVENUE
BEND, OREGON 97701

The first right to be modified, as evidenced by a portion of Certificate 76106, was perfected under Permit 27840 with a date of priority of DECEMBER 8, 1961. The right allows the use of TUMALO CREEK AND UPPER TUMALO RESERVOIR CONSTRUCTED UNDER PERMIT R-2743, tributaries of the DESCHUTES RIVER, for IRRIGATION OF 15.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.21 cubic foot per second, if available at the authorized points of diversion: TUMALO CREEK - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, T 17 S, R 11 E, W.M.; 2080 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 23; UPPER TUMALO RESERVOIR - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 33, T 16 S, R 11 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

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.

The amount of water used for irrigation, together with the amount secured under an other right existing 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 2.5 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from Upper Tumalo Reservoir constructed under permit R-2743.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The second 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 15.0 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 during the irrigation season from April 1 to November 1, if available at the authorized point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 32, T 17 S, R 12 E, W.M.; 100 FEET SOUTH AND 550 FEET EAST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 32, or its equivalent in case of rotation, measured at the point of diversion from the source.

The third 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 15.0 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) - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 32, T 17 S, R 12 E, W.M.; 100 FEET SOUTH AND 550 FEET EAST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 32; AND CRESCENT LAKE RESERVOIR - SE $\frac{1}{4}$ SW $\frac{1}{4}$, 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 15.0 ACRES
SECTION 35

TOWNSHIP 16 SOUTH, RANGE 11 EAST, W.M.

For decreed lands, 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. For permitted lands, the right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the use to 15.0 acres/equivalent for pond maintenance and the place of use to:

SE¼ SE¼
SECTION 13

TOWNSHIP 16 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 water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the inflow of water to the pond. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. 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 76106, 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

DEC 20 2001



Paul R. Cleary, Director