

STATE OF OREGON
COUNTY OF DESCHUTES
ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.580, 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 8149 submitted by

TUMALO IRRIGATION DISTRICT
64697 COOK AVENUE
BEND, OREGON 97701

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 portions of Certificate 74146. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 135. The dates of priority are August 5, 1900, September 1, 1900, April 28, 1905, May 27, 1907, and June 1, 1907.

The right allows the use of Tumalo Creek, a tributary of The Deschutes River for irrigation of 10.2 acres.

This right has supplemental rights under Certificates 74147, 74148, 74149 and Permit 27841.

The authorized places of use are located as follows:

TWP	RNG	SEC	QTR/QTR	TAX LOT	PRIORITY	ACRES
16S	11E	01	SE¼ SE¼	800	09/01/1900	1.55
16S	11E	01	SE¼ SE¼	800	06/01/1907	2.00
16S	12E	08	SE¼ SW¼	1501	09/01/1900	4.40
16S	12E	31	SW¼ SW¼	409	09/01/1900	0.56
16S	12E	31	SW¼ SW¼	420	09/01/1900	0.13
16S	12E	31	SW¼ SW¼	421	09/01/1900	1.56

The second right to be modified, as evidenced by portions of Certificate 74147, was perfected under Permit 19628 with a priority date of October 29, 1913.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final order in other than contested case. Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the time specified by ORS 183.484(2).

The right allows the use of Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, tributaries of The Deschutes River, for irrigation of 14.38 acres.

This right has supplemental rights under Certificates 74148, 74149 and Permit 27841.

The authorized places of use are located as follows:

<u>TWP</u>	<u>RNG</u>	<u>SEC</u>	<u>QTR/QTR</u>	<u>TAX LOT</u>	<u>PRIORITY</u>	<u>ACRES</u>
16S	11E	01	SE $\frac{1}{4}$ SE $\frac{1}{4}$	800	10/29/1913	1.45
16S	11E	23	NW $\frac{1}{4}$ SE $\frac{1}{4}$	515	10/29/1913	1.20
16S	11E	25	SW $\frac{1}{4}$ NW $\frac{1}{4}$	400	10/29/1913	2.40
16S	11E	25	NE $\frac{1}{4}$ SW $\frac{1}{4}$	905	10/29/1913	1.00
16S	11E	25	NE $\frac{1}{4}$ SE $\frac{1}{4}$	908	10/29/1913	1.06
16S	11E	25	NW $\frac{1}{4}$ SE $\frac{1}{4}$	908	10/29/1913	0.42
16S	11E	34	NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	10/29/1913	0.40
16S	12E	08	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1500	10/29/1913	1.40
16S	12E	08	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1501	10/29/1913	4.60
16S	12E	19	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	10/29/1913	0.45

The third right to be modified, as evidenced by a portion of Certificate 76106, was perfected under Permit 27840 with a priority date 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 2.0 acres.

This right has supplemental rights under Permit 27841 and Certificate 74149.

The authorized place of use is located as follows:

<u>TWP</u>	<u>RNG</u>	<u>SEC</u>	<u>QTR/QTR</u>	<u>TAX LOT</u>	<u>PRIORITY</u>	<u>ACRES</u>
16S	12E	31	SW $\frac{1}{4}$ SW $\frac{1}{4}$	420	12/08/1961	2.00

The applicant proposes to change the places of use to:

<u>TWP</u>	<u>RNG</u>	<u>SEC</u>	<u>QTR/QTR</u>	<u>TAX LOT</u>	<u>PRIORITY</u>	<u>ACRES</u>
16S	11E	23	NW $\frac{1}{4}$ SE $\frac{1}{4}$	515	10/29/1913	1.20
16S	11E	25	SW $\frac{1}{4}$ NW $\frac{1}{4}$	400	10/29/1913	2.90
16S	11E	25	SE $\frac{1}{4}$ NW $\frac{1}{4}$	400	10/29/1913	0.50
16S	11E	25	NE $\frac{1}{4}$ SE $\frac{1}{4}$	908	10/29/1913	1.06
16S	11E	25	NW $\frac{1}{4}$ SE $\frac{1}{4}$	908	10/29/1913	0.42
16S	11E	34	NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	09/01/1900	0.55
16S	11E	34	NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	06/01/1907	2.00

The applicant proposes to change the places of use to (continued):

<u>TWP</u>	<u>RNG</u>	<u>SEC</u>	<u>QTR/QTR</u>	<u>TAX LOT</u>	<u>PRIORITY</u>	<u>ACRES</u>
16S	11E	34	NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	10/29/1913	1.85
16S	11E	34	SW $\frac{1}{4}$ NW $\frac{1}{4}$	604	12/08/1961	2.00
16S	12E	08	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1500	10/29/1913	3.48
16S	12E	08	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1500	09/01/1900	4.40
16S	12E	08	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1500	10/29/1913	2.52
16S	12E	19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3000	09/01/1900	1.00
16S	12E	19	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	10/29/1913	0.45
16S	12E	31	SW $\frac{1}{4}$ SW $\frac{1}{4}$	420	09/01/1900	2.23
16S	12E	31	SW $\frac{1}{4}$ SW $\frac{1}{4}$	421	09/01/1900	0.02


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, 2001.
2. The former places of use shall no longer be irrigated as a part of these water rights.
3. Proof to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by TUMALO IRRIGATION DISTRICT, on or before October 1, 2002.

Except as modified herein, all conditions and restrictions of Certificates 74146, 74147, 74148, 74149, 76106 and Permit 27841 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 not modified by this or any other order.

WITNESS the signature of the Water Resources Director, affixed 11/23/99 .


Martha O. Pagel, Director