

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION)
OF TUMALO IRRIGATION DISTRICT FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3989

On July 3, 1978, Tumalo Irrigation District filed an application in the office of the Water Resources Director 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.

As modified in accord with the provisions of the order of the State Engineer entered April 10, 1961, approving transfer application No. T-50, the primary water right previously allowed by Decree of the Circuit Court for Deschutes County, Oregon, entered August 27, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of Deschutes River, in the name of Deschutes County Municipal Improvement District (now Tumalo Irrigation District), described in the certificate recorded at page 26508, Volume 18, State Record of Water Right Certificates, now exists for the use of waters of Tumalo Creek for the irrigation of, among other lands, a certain 14.7 acres with a date of priority of September, 1900, and 4.7 acres with a date of priority of June 1, 1907, in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 16 South, Range 12 East, W.M.

Also, as modified in accord with the provisions of said order of the State Engineer, the lands above described have supplemental water rights, being rights to the use of water from Deschutes River, with a priority date of 1905, as described by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates; 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, previously described by certificate recorded at page 26050, Volume 18, State Record of Water Right Certificates; to the use of the waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911, previously described by certificate recorded at page 26051, Volume 18, State Record of Water Right Certificates; and to the use of the waters of Crescent Lake Reservoir, with a date of priority of December 8, 1961, as allowed under permit No. 27841.

The applicant herein, owner of the lands above described, proposes to transfer the primary and supplemental water rights therefrom, without loss of priority, and to irrigate in lieu thereof a certain 14.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 16 South, Range 11 East, W.M.; the primary water right having a date of priority of September, 1900; and to irrigate in lieu thereof a certain 0.5 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 16 South, Range 11 East, W.M., 2.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 17 South, Range 12 East, W.M., and 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 16 South, Range 12 East, W.M., the primary water right having a date of priority of June 1, 1907.

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 held May 9, 1978.

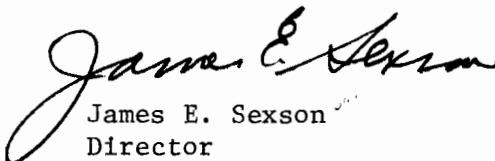
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that upon receipt of 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, certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 16th day of August, 1978.


James E. Sexson
Director