

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of the Allocation and	)	ORDER FINALIZING THE
Assignment of Conserved Water by the	)	ALLOCATION AND ASSIGNMENT OF
Tumalo Irrigation District for certificates	)	CONSERVED WATER
74146, 74148, 76106, and 75924,	)	
Deschutes County, Oregon	)	

**Findings of Fact**

1. Pursuant to ORS 537.455 to 537.500; chapter 726, Oregon Laws 1997, as amended by chapter 394, Oregon Laws 1999; and OAR Chapter 690, Division 18, on February 7, 2000, Tumalo Irrigation District and the Bureau of Reclamation filed an application for an allocation of conserved water and for assignment of the conserved water to instream water rights in Tumalo Creek and for use on lands served by the District. The Department assigned the application number C-9.
2. On November 15, 2000, the Department issued Special Order Volume 54, Page 826 approving the allocation and assignment of conserved water.
3. On March 14, 2005, Tumalo Irrigation District submitted notice of completion of the conservation project and requested that the project be finalized.

**Now, therefore, it is ORDERED:**

Consistent with Special Order Volume 54, Page 826, the Department takes the following actions:

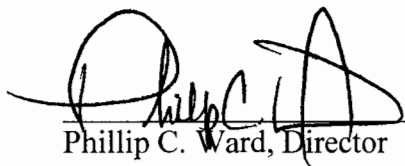
1. Certificate 74146 is cancelled. A superseding certificate shall be issued for: 5.823 cfs with an August 5, 1900 priority for 407.60 acres-equivalent, 40.835 cfs with a September 1900 priority for 4,056.45 acres-equivalent, 4.309 cfs with an April 28, 1905 priority for 301.60 acres-equivalent, 0.603 cfs with a May 27, 1907 priority for 43.20 acres-equivalent; and 14.181 cfs with a June 1, 1907 priority for 992.65 acres-equivalent. The place of use shall be those lands described under certificates 74146 and 76106, as modified by any transfers completed pursuant to ORS 540.580. All other conditions and limitations of the existing water right shall be included in the superseding certificate. The amount of water used shall be limited to a diversion of one-seventieth of one cubic foot per second per acre and 1.8 acre-feet per acre,

This is a final order in other than 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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

measured at or within one-half mile of the land to be irrigated. In addition, the right shall be subordinate to the Tumalo Creek instream right from conserved water, as allocated by this order, certificate 81333.

2. Certificate 74148 is cancelled. A superseding certificate shall be issued for the supplemental irrigation of the 6,590.60 acres provided for under certificate 74148 and the 790.6 acres provided for under certificate 76106, as modified by any transfers completed pursuant to ORS 540.580. The amount of water which may be used under the new certificate shall be 35,000 acre-feet of water stored in Crescent Lake Reservoir.
3. Certificate 76106 is cancelled. A new instream water right, certificate, 81332, with a priority of December 8, 1961 has been issued. The monthly quantities of water allocated under the instream right are as follows: April, 1.9 cfs; May, 4.3 cfs; June, 6.3 cfs; July, 7.8 cfs; August, 6.3 cfs; September, 4.3 cfs; and October, 1.7 cfs. The total seasonal duty is 1,976.50 acre-feet. The instream water right reach is in Tumalo Creek from the site of the existing Tumalo Feed Canal Diversion to the mouth of Tumalo Creek and in the Deschutes River from the mouth of Tumalo Creek to Lake Billy Chinook. In addition, a superseding certificate shall be issued for the use of 1,100 a.f. stored under certificate 75924 in Upper Tumalo Reservoir. The use shall be to supplement all uses and lands served by the District.
4. A new instream water right certificate, 81333, for 5.82 cfs during the period April 1 to November 1 with a priority of September 1900 has been issued. The instream water right reach is in Tumalo Creek from the site of the existing Tumalo Feed Canal Diversion to the mouth of Tumalo Creek and in the Deschutes River from the mouth of Tumalo Creek to Lake Billy Chinook. The instream water right allows the use of the water to provide fish screen bypass and cleaning flows at the Tumalo Feed Canal diversion provided such use does not interfere with use of instream flow to operate fish passage facilities at the same site.

Dated at Salem, Oregon this 18<sup>th</sup> day of April 2005.

  
Phillip C. Ward, Director

Mailing date: APR 19 2005