

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
JACK VOGT (TUMALO IRRIGATION DIS-)
RICT) FOR APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 2937

On November 20, 1973, an application was filed in the office of the Water Resources Director by Jack Vogt 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.

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, a water right was allowed in the name of Deschutes County Municipal Improvement District (now Tumalo Irrigation District), tabulated in the name of Ray Bessey at page 196, Volume 16, for irrigation of, among other lands, a certain 15.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 16 South, Range 11 East, W.M. , with a date of priority of September, 1900, as now described by certificate issued in the name of Tumalo Irrigation District and recorded at page 26508, Volume 18, State Record of Water Right Certificates.

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 4.14 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 16 South, Range 11 East, W.M., with a date of priority of October 29, 1913.

The lands above described in Sections 25 and 27 have supplemental rights evidenced by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates, for the use of water from Deschutes River with a date of priority of 1905; certificate 26051, Volume 18, for the use of waters of Crescent Lake Reservoir with a date of priority of April 7, 1911; and permit No. 27841 for the use of

waters of Crescent Lake Reservoir with a date of priority of December 8, 1961. The lands above described in Section 27 also have a supplemental right evidenced by certificate 26050, Volume 18, for the use of water from Crater Creek, Little Crater Creek and three spring branches, with a date of priority of October 29, 1913.

The applicant herein, owner of the lands above described, proposes to transfer the water right from said lands in Section 25, without loss of priority, and in lieu thereof to irrigate a certain 1.0 acre (Clark) in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, 0.14 acre (Vogt) in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25 and 8.0 acres (Shannon) in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 16 South, Range 11 East, W.M.

The applicant herein also proposes to transfer the water right from said lands in Section 27, without loss of priority, and in lieu thereof to irrigate a certain 15.0 acres (Kalabaugh) in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 16 South, Range 11 East, W.M.

The lands involved herein are within the boundaries of Tumalo Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at regular meetings held September 1, 1970, August 7, 1973, and April 10, 1979.

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, as 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, 1980.

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, certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 8th day of June, 1979.


James E. Sexson
Director