

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF TUMALO IRRIGATION DISTRICT FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM TUMALO, CRATER,)
LITTLE CRATER CREEKS AND THREE)
SPRINGS, DESCHUTES RIVER AND CRESCENT)
LAKE RESERVOIR)

O R D E R
APPROVING APPLICATION

On September 28, 1962, Tumalo Irrigation District of Bend, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tumalo, Crater, Little Crater Creeks, Three Springs, Deschutes River and Crescent Lake Reservoir pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Tumalo Irrigation District and recorded at Page 26050, Volume 18, State Record of Water Right Certificates, confirms a right under Permit No. 19628 to the use of the waters of Tumalo, Crater and Little Crater Creeks and Three Springs, with a date of priority of October 29, 1913, for the irrigation of, among other lands, 34.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, and 1.1 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, all being in Township 16 South, Range 11 East, W. M. Certificate of water right issued to Tumalo Irrigation District and recorded at Page 26051, Volume 18, State Record of Water Right Certificates, confirms a right under Permit No. 624 to the use of the waters stored in Crescent Lake Reservoir, with a date of priority of April 7, 1911, for supplemental irrigation of, among other lands, the above described lands. Also, in the matter of the determination of the relative rights to the use of the waters of Deschutes River and its Tributaries, a water right was established in the name of Deschutes County Municipal Improvement District, now Tumalo Irrigation District, for the use of 9.5 cubic feet per second of the waters of Deschutes River, with a date of priority of 1905, for the irrigation of all lands within the District, which include those lands described above.

Subsequently, on April 11, 1961, the State Engineer entered an order approving an application of Tumalo Irrigation District wherein a water right appurtenant to 28.3 acres of the aforementioned lands was transferred to 6.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 22.3 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 16 South, Range 11 East, W. M.

From a physical examination of the premises to which the water was transferred made on October 18, 1961, by Mr. Wesley Carr, a representative of the State Engineer, it appears that said lands have been reclaimed and irrigated.

The applicant herein, owner of the 22.3 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 16 South, Range 11 East, W. M., proposes to transfer the water right appurtenant to 4.0 acres thereof without loss of priority to 4.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 16 South, Range 11 East, W.M.

Notice by publication as provided by ORS 540.570 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and the water right hereinbefore described as appurtenant to 4.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 16 South, Range 11 East, W. M., with a date of priority of October 29, 1913, April 7, 1911, and 1905, be severed therefrom and simultaneously and without loss of priority transferred to 4.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 16 South, Range 11 East, W. M.

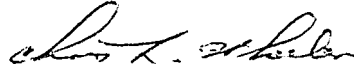
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the 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, or their successor in interest, at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 23rd day of October, 1962.

Water right transferred to:

*District # 1343 & 1345
Order # 28000 & 28001*



CHRIS L. WHEELER
State Engineer